United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, SEPTEMBER 9, 2003 No. 123

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. COLE).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 9, 2003.

I hereby appoint the Honorable TOM COLE to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 64. Concurrent resolution to commend members of the United States Armed Forces for their services to the United States in the liberation of Iraq, and for other purposes.

S. Con. Res. 65. Concurrent resolution to commend the Third Infantry Division (Mechanized) of the United States Army for its role in the liberation of Iraq.

MORNING HOUR DEBATES

The SPEAKER pro tempore. 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 North Carolina (Mr. JONES) for 5 minutes.

MILITARY DEATH GRATUITY TAX REPEAL

Mr. JONES of North Carolina. Mr. Speaker, I came to the floor today because let me first explain the posters on my left and right are the faces of young men and women who have died fighting for freedom in Iraq and Afghanistan, and also, Mr. Speaker, I hold up a photograph of a young man from Connecticut whose name is Tyler Jordan, 6 years old. He has the American flag folded under his arm, and he is looking at the casket of his father who died for freedom. Gunny Sergeant Phillip Jordan from Connecticut died for freedom.

Mr. Speaker, the reason I am on the floor today is that last year I introduced a bill that would repeal the tax on the death gratuity. The American military family receives when a loved one dies a small amount of money. It is $6,000, and there is a tax on $3,000 of the $6,000. And last year we passed in a larger bill a repeal, and it was sent to the other body and they did nothing with it. This year again the House has passed the same language which was in H.R. 693, the Military Death Gratuity Tax Repeal, the bill I put in. It was put into a larger bill that went to the Senate, and they still have taken no action. Let me tell the Members what that means.

From September 11, 2001, to December 31, 2001, over 292 military were killed and their families paid a tax on the gift of their son or loved one fighting for freedom. That is absolutely horrible in my opinion, Mr. Speaker. And in the year 2002, 1,007 families had to pay a tax on the death of a loved one. Again, Mr. Speaker, I want to say that we, the House, have done our part and we have sent to the other body legislation to repeal this tax. It is unacceptable that any family in this country who has a loved one who has died for freedom would get a bill tax due from Uncle Sam. And, Mr. Speaker, I am calling on the House leadership to bring up H.R. 693, bring it to the floor as a stand-alone bill, let us pass it and send it over to the other body, because if we will do that, Mr. Speaker, I will go on every radio show I can get on, every TV show I can get on, and ask that we not leave this October/November without passing this bill to eliminate the tax on the death gratuity. $6,000 is not enough. We need to raise that, but there is one thing we can do, take off the tax.

Again I hold up the photograph of this young man, Tyler Jordan, who gave his father to this country, and why in the world should his family, in the year 2004, get a tax due bill from Uncle Sam? Is not giving the life of a loved one fighting for freedom enough?

So, again, Mr. Speaker, I ask the House leadership, both Republican and Democrat, to join me and bring to the floor H.R. 693. Let us repeal this death tax and send it over to the other body, and let us put pressure on them to get it to the President so that the other Phillip Jordans throughout this country will not have a mother or father saying I owe Uncle Sam tax on the gift of my loved one.

Mr. Speaker, with that, I want to close by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform, and I ask God in His loving way to hold in his arms those who have lost ones fighting for freedom, and I ask God to bless the American people, the House and Senate that we will do what is right. I ask God to give strength and wisdom to the President of the United States. And I ask God three times, please, God; please, God; please, God, continue to bless America.

WTO MINISTERIAL

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio

Printed on recycled paper.

(Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, we have seen little press coverage in the United States of the World Trade Organization before its ministerial beginning this week in Cancun, Mexico. But around the globe, the WTO's 5th Ministerial is a big story. The divide between WTO nations about its future is coming into public view. At stake in Cancun is the future of the World Trade Organization and how it will implement corporate globalization. Success or failure depends on which side of the divide countries stand. Given that the most powerful countries of the WTO, partnering with the supposedly neutral WTO Secretariat, have set the meeting's agenda to suit their goals. There can be no good outcome.

The best result is what the U.S. media may report as a ''failure.'' The small block of powerful nations fail to steamroll the majority of the WTO's members who are developing nations, and the summit ends in deadlock. The problem is that the U.S., the European Union, Japan, and a handful of other rich nations want the WTO to be ''the constitution for a single global economy,'' a description that the first WTO Director General famously uttered in a moment of unguarded candor.

They want the WTO to enforce one-size-fits-all rules on an array of issues ranging far beyond trade which all WTO countries must adopt as their domestic practices. These broad WTO rules would implement worldwide what has become known as the ''Washington Consensus.''

While this agenda has proven to be a devastating failure; its agenda of eliminating a role for Government and public interest regulation of the market, establishing new property rights and protections for corporate interests, of creating tradable units out of vital public services, privatizing water, supplies, all of that, genetic materials and common resources, is at the heart of the WTO, which currently enforces 18 expansive agreements implementing this version of corporate-led globalization. Yet to the world's largest corporations and their client governments, this is only the beginning.

The U.S., the European Union, Japan, and others are pushing for decisions in Cancun to add to the WTO extreme terms that are now only contained in the clearly failed North American Free Trade Agreement. These new issues include expansive new investor rights, rules on government procurement eliminating local or environmental preferences, undercutting domestic environmental food safety laws, and new rights for foreign service corporations to turn Government services such as water treatment facilities, how we get our water, into for-profit foreign or domestic corporations.

Meanwhile, an increasingly consolidated block of developing nations have a different view. These nations want the WTO to deal simply with trade, World Trade Organization, and do so in a way that benefits all of the WTO nations, not just the most powerful and the richest countries.

While different developing nations have different ideas about fair trade, they are united in opposing any expansion of the WTO into these new areas outside of just trade. When the Uruguay Round in 1994 created the WTO, developing countries were promised major gains. They were promised that industrialized nations would lower and eventually eliminate tariffs on items like textiles and apparel and cut agriculture subsidies that have enabled huge agribusinesses to dominate the world market. They were promised the WTO would be good for development in the poor countries. Newspapers and opinion shapers largely endorsed the ideas and promoted it.

As the WTO, however, moves forward on new issues of negotiations, these promises remain utterly unfulfilled. If the WTO is to maintain trade credibility as a trade organization rather than evolving into the CHO, the Corporate Handout Organization, it must revisit the issues that affect developing nations before adding to its agenda and it must stop pandering to the largest, most powerful multinational corporations in the world.

ULTRASOUND SURVEY RESULTS

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

Mr. STEARNS. Mr. Speaker, I come to the House floor to talk about my bill H.R. 195, which is the Informed Choice Act. The results of a recent survey commissioned by Care Net of 802 female registered voters nationwide unequivocally demonstrate that women coast to coast, and from all walks of life, agree that providing ultrasound technology for women's health centers is an important and worthwhile cause. It is clear that these women view ultrasound as an essential resource for women who are faced with unplanned pregnancies and the related decision to either terminate or to continue that pregnancy.

Nearly nine in 10, 87 percent of women, said it is important for nonprofit women's health centers to provide ultrasound services, including a considerable majority, 64 percent, who believe this is a very important priority.

A majority of female registered voters believe that women facing crisis pregnancies would benefit from having access to ultrasound. Over half, 51 percent of those surveyed, said that women who are considering abortions should have access to ultrasound consistent with the rest of the prior to finalizing their decisions. In contrast, just 31 percent claim that seeing an image of what is inside would make such a decision more difficult.

Mr. Speaker, it is clearly the belief of these women that ultrasound provides understanding, not uncertainty. It is with this new information in mind that I remind my colleagues about my bill, H.R. 195, ''The Informed Choice Act.'' I have introduced this legislation authorizing HHS to establish grants for which nonprofit health clinics could apply and, if awarded, purchase the needed ultrasound equipment. Many uninsured women are prohibited from finding the health care they need because the free health clinics to which they have access are unable to provide medical services because of the lack of funds to purchase such medical equipment. The mother is, therefore, forced to wander from one clinic to another in search of the services that she so desperately needs. Enabling these health clinics to purchase ultrasound equipment would be a persuasive push in the direction of transitioning from a health clinic to a medical facility.

The advantages of ultrasound are many. It is fast and relatively cheap, costing about $50 per exam. Ultrasound exams are performed at about 10 to 14 weeks of the pregnancy and are considered the best way to gauge growth before birth. Ultrasound can diagnose heart problems in the unborn child, find neural tube defects including spina bifida, and determine the position of the placenta. There is even now an ultrasound piece of equipment that can provide a 3–D image that can rotate 360 degrees to see all sides of the baby.

My legislation will ensure that doctors can provide critical information to mothers in the decision-making process regarding their pregnancies. Nothing in my bill makes ideology regarding abortion a condition for the grant. Whether a center offers abortion or abortion alternatives, the clinic is eligible so long as it meets the criteria set forth in the bill.

In the controversy today over abortion in America, emotionally charged rhetoric clouds the issue and does damage, I think, to the efforts made on behalf of mother and child. No matter one's conviction concerning abortion, we can all agree that the mother deserves as much information as is available in making this solemn decision. Information is the best weapon in diffusing the volatile discussion and returning us to our first concern, which is the health of the mother and child. The ultrasound equipment is a valuable tool in expanding the debate beyond traditional platitudes on both sides of the argument.

Modern medicine has provided us with a window into the womb. These advances in technology empower women with as much information as possible regarding their pregnancy. The goal of my legislation is to provide women who find themselves with an unplanned pregnancy with the full scope of information such that they may finally make an informed choice.

This bill is about the dissemination of information. The bill is about extending more free services to women

and about making available this vital technology to the very poor women as well as to the rich.

So in conclusion, Mr. Speaker, there are times when people of good faith who differ on an issue can come together and find a place to agree. I believe my legislation, H.R. 195, brings us beyond the shrill arguments regarding abortion and makes a meaningful effort to care for the mother and the child.

THE TIME FOR TRUTH AND CANDOR

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

Mr. MCGOVERN. Mr. Speaker, President Bush's televised speech on Sunday night, calling for tens of billions of dollars in additional funding to support the U.S. occupation of Iraq, was extremely disappointing, disappointing because the President failed to explain to the American people the details on how he is going to change this failing policy.

It is clear that his administration rushed to war with too little thought given to the implications of an American occupation of Iraq. We were not welcomed with open arms as some administration officials have predicted. On the front page of today's Washington Post is an article entitled ''Spy Agencies Warned of Iraq Resistance,'' detailing how U.S. intelligence agencies warned the Bush Administration before the war that there would be significant armed opposition to a U.S.-led occupation. In all the many briefings I attended, I do not recall any administration official sharing that information. We have not found the weapons of mass destruction that we were told existed in such abundance.

And while the administration continues to link Iraq to the terrible tragedy of September 11, so far it has produced no evidence to support such a claim. In fact, the occupation of Iraq has increased the terrorist presence in that country, not lessened it.

On Sunday night President Bush had the opportunity to tell the American people of his plan, including his exit strategy for the brave American men and women who are serving in Iraq with such incredible distinction. Instead, the President detailed nothing.

This is a war that should never have happened. As awful as Saddam Hussein was, he was not an imminent or direct threat to the people of the United States. Months into the war, the Congress and the American people are still waiting to hear a clear, consistent and convincing justification for it. Why did we need to invade Iraq? What was so urgent that it required us to go to war when we did? Why could we not have spent the necessary time to build an international consensus on how to best deal with Saddam? What was so threatening to our country that made this Congress spend only 1 day, 1 day debating the authorization authorizing war?

As of today, 284 brave young Americans have lost their lives and 1,450 have been wounded. And in preparation for this war, this Chamber could only manage to devote a single day in October debating it. That is shameful.

Now the President says he wants another $87 billion and expects everyone to just go along, no questions asked. Mr. Speaker, like so many people throughout this country, I have a lot of questions and I am not prepared to just go along. I want to make sure that American troops have all the resources they need and I am not advocating that we walk away from our obligation to the people of Iraq. However, I also want to make certain that the hard-earned tax dollars of the American people are not wasted on more of the same. I have no problem with helping Iraq build hospitals, health clinics, schools, roads and housing. But I do have a problem with the lack of support by this administration for the building of hospitals and health clinics, schools, roads, and housing right here in the United States.

Why did the President not tell us on Sunday that in the face of this enormous price tag, he is willing to forego his tax cut for millionaires so that we can avoid going deeper into debt? If this is a time for sacrifice, then why do the people in the income bracket of President Bush and Vice President CHENEY not have to make any sacrifice? I cannot vote for 87 billion additional dollars without some accountability and some clarification. What is the plan? How long are we going to be there? Eighty-seven billion dollars is for just 1 year. What about next year or the year after that? How is the $87 billion going to be spent? How were the $79 billion we appropriated in April spent? We are now at $166 billion and counting.

The President wants us to spend $87 billion more mostly for Iraq. For months some of us have been trying to get just $1.8 billion more for our veterans' health care only to be told by the administration that there is not enough money. We have been trying to get $7 billion so that the Pell grant program fully lives up to its promise and students are not buried under a mountain of debt. The administration says no. We have been trying to get just $300 million to fund the Global Food for Education Initiative, to provide a nutritious meal in a school setting for millions of children, but the administration tells us that the money just is not there.

The American people need to know what is at stake here. They need to know about the choices the administration is asking us to make. This is a time for truth and candor. We have had enough spin. We have had enough deception. This is also the time for this Congress to do what it failed to do before the war: ask the tough questions, demand the straight answers, and debate thoughtfully the implications of what we are doing. We must be more than a rubber stamp, and I would urge my colleagues respectfully to proceed with caution.

PRESCRIPTION DRUG BENEFIT

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, my intention is to talk about the need for a prescription drug benefit for seniors under Medicare, but when I listened to the previous speaker, the gentleman from Massachusetts (Mr. MCGOVERN), he made it a point about the President's speech on Sunday night about how this $87 billion in new funding that the President is requesting for Iraq is going to have a direct impact on domestic programs, and I have to say it was very disturbing to me today to read in the New York Times in the lead story on the front page that some Republicans were suggesting that because of the additional needs for Iraq as outlined in the President's speech that maybe some of them would now reconsider whether they would support a prescription drug benefit for seniors.

Let me tell the Members the Republican leadership in this House as well as the President have been saying for over 2 years that they are going to provide a prescription drug benefit for seniors and there is no reason not to do it. The notion that somehow now we do not have enough money for it is bogus, given the fact that the Republicans passed all these tax cuts, a series of three tax cuts that now have put us into a deficit. In addition to that, the fact of the matter is if they were willing, which they have not been, to provide some kind of cost controls or some requirement that part of the Medicare prescription drug program would assume that the Secretary would negotiate lower prices for discounts, we would be able to afford a good prescription drug benefit.

I do not want to hear and I am not willing to listen to those Republicans who are going to tell us over the next few months that we cannot afford a prescription drug benefit. It is their own policies that have put us into this deficit situation. It is their own policies that make it difficult for us to negotiate any kind of price reductions or put any kind of price controls in effect because they oppose it ideologically.

It is interesting because earlier this week there was another article in New York Times that talked about the VA programs and how successful the veterans program has been in trying to keep costs down for prescription drugs, and that is because they negotiate price reductions. They insist as part of the VA program that when they buy

drugs in bulk that they get a discount price. We should be doing the same thing here for seniors in general. We should provide a prescription drug benefit that takes care of all seniors, regardless of their income as long as they are eligible for Medicare and also a prescription drug program that goes directly to the issue of price by saying that the Medicare administrator, the Secretary of Health and Human Services, should be empowered and should be mandated to reduce prices by negotiating price reductions because he now represents 40 million seniors who are part of the Medicare program.

Instead, the Republicans, because I know the conference is now going on between the House and Senate versions of this Medicare prescription drug bill, we hear the Republicans still insisting on the fact that they want to privatize Medicare, give senior citizens a voucher, and tell them that they have to go out and buy private insurance at some point in the future if they want to continue with their Medicare program in general. And then we are told that if they want to get any kind of prescription drug program under the Republican proposal, that they have to join an HMO because if they do not join an HMO or some kind of private program, they will not get the prescription drug benefit. That is bogus.

Today in the New York Times there was an article on page A–21 where they talked about fewer people on Medicare are being dropped by HMOs this year and the head of the Trade Association for HMOs was so proud of the fact that this year, or I guess next year, they estimate that only 39,000 to 40,000 Medicare beneficiaries will be dropped by their HMOs. So what? What about the fact that so many other seniors have been dropped by their HMOs in the last few years? It is estimated in this article that only about 11 percent of the 40 million seniors are now in HMOs or getting some kind of a drug benefit through their HMO. How in the world are the Republicans going to propose saying that the only way they get a prescription drug benefit is if they join an HMO, when only about 11 percent right now of seniors are in HMOs and fewer and fewer every day because even with this drop in the number that are essentially being dropped, there is still another 40,000 that will not be able to keep their HMO as a means of continuing with their Medicare?

The bottom line is, and this is what the Democrats have said, there is an obligation on this Congress and this President to pass a prescription drug bill that provides a prescription drug benefit to all seniors, whether or not they are in an HMO or not, and the Medicare prescription drug proposal should not be used as an excuse to privatize Medicare in general.

There is going to be a motion to instruct this week. I believe it is going to be proposed by my colleague from Maine, to make the point that the conferees should not require people to have to join an HMO to get their prescription drug benefit and that we should not be moving down the road of privatizing Medicare, and we need to pass that motion, but we also need to have some kind of way of dealing with the issue of price. Otherwise, we are never going to be able to afford this prescription drug benefit.

INTRODUCTION OF THE STUDENT TESTING FAIRNESS ACT

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

Mr. STRICKLAND. Mr. Speaker, last spring I received an e-mail from a sixth grade math teacher by the name of Dawn Spurr. Dawn teaches in a small town in my district, and she wrote to me just after she had given her students a standardized test that she did not feel fairly measured her students' progress. She told me that several of her students were very upset. Some even left the classroom in tears because they simply did not have enough time to finish the test even though she felt they knew the answers, and she was upset as a teacher because she will be judged based on how well her students perform on that test. As a result, she said in her letter, Congressman, ''instead of teaching students, I am to teach a test.''

As a result of this e-mail I received, today I am introducing a bill titled The Student Testing Fairness Act. This bill will address some of the problems with all of the new testing mandates contained in the No Child Left Behind law. Even though the test Dawn gave her students was not one mandated by the No Child Left Behind law, the law does mandate certain standardized testing procedures which will make the situation even worse.

The No Child Left Behind law establishes two important goals: First, the law requires schools to make all students proficient in reading and math by the year 2013–2014 school year. And, second, the law requires schools to close the achievement gap between subgroups of poor and minority students and their more affluent nonminority peers. The No Child Left Behind law requires annual testing in reading and math of all students in grades three through eight and once in grades ten through 12 beginning in the 2005–2006 school year.

Mr. Speaker, effective and appropriate standardized tests can be used to measure student progress and to target help where it is most needed. However, test scores alone cannot accurately measure a student's success or a school's success. Other measures such as attendance rates, dropout rates, and the percentage of students taking advanced placement tests all contribute to the overall picture of a school's success or failure. While the No Child Left Behind law does allow the use of multiple measures in assessing a school's success or failure, it provides no balance.

Test scores are always a prerequisite for a school's success, and other indicators cannot be used to help a school succeed even though they can be used to determine whether or not a school is sanctioned. This has very troubling consequences. For example, since schools cannot succeed by reducing dropout rates but they can incur sanctions if their test scores fail to show consistent annual improvement, they have little incentive to keep at-risk students who are more likely to get lower test scores from leaving school.

The Student Testing Fairness Act will give schools and teachers and students the flexibility to measure progress using more than just a single standardized test. Among several other provisions, my bill will give schools credit for any student improvement, not just improvement that brings a subgroup of students into the proficiency category. And my bill will ensure that help is targeted where it is needed by limiting public school choice and supplemental services to those subgroups of students who have failed to improve.

Standardized tests can work, but they are not the only answer, and I hope my colleagues will join me in ensuring that the educational reforms enacted by the No Child Left Behind bill are truly effective by passing the Student Testing Fairness Act into law.

Mr. Speaker, we have passed huge mandates from the Federal Government down to the States. We are underfunding those mandates by $8 billion. As a result, students will drop out and teachers and schools will be unfairly punished.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 2 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BURGESS) at 2 p.m.

PRAYER

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

God of mercy and love, You offer all peoples of the Earth the dignity of sharing in Your life.

Strengthen the people of this Nation to overcome all racial hatreds and religious prejudices that we may truly be one Nation under God enlightened and free; a real witness of inner freedom to the world.

May the Members of the House of Representatives be united in enacting laws and formulating policies that assure everyone equal justice under the law. This we ask and for this we are eternally grateful and praise You Lord now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BROWN of South Carolina 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.

HOMETOWN HERO

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

Mr. BROWN of South Carolina. Mr. Speaker, over the years the first district of South Carolina has been home to many heroes. I would like to thank one of them today.

Brigadier General Jerry Black retired this Sunday after 36 years of distinguished service in the U.S. Air Force and Air Force Reserve.

A low country native, General Black graduated from St. Andrews High School and the Citadel. From there the Air Force sent him all over the world.

From pilot training in Texas to service in Vietnam, from Panama to the Middle East, in peacetime and in war, General Black was always eager to answer his country's call to duty.

Most recently, General Black served as the wing commander for the 315th Air Wing in Charleston Air Force Base. It was here that I had the pleasure to meet with him on several occasions. I can personally attest to the many long hours he dedicated to ensure success in both Afghanistan and Iraq.

General Black leaves behind a legacy of dedication, selflessness, and integrity. Our country is better for his service, and the first district is proud of this hometown hero.

CELEBRATING THE 19TH ANNIVERSARY OF NEW COVENANT ASSEMBLY CHRISTIAN MINISTRY

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

Mr. WILSON of South Carolina. Mr. Speaker, this past weekend marked the 19th Founder's Week and Church Anniversary Services for the New Covenant Assembly Christian Ministry of Columbia, South Carolina.

Led by Pastor C.L. Hardy and his first lady, Cynthia Hardy, this ministry has risen from humble beginnings in 1984 at St. Andrews Community Center to an inspiring edifice changing lives across the midlands of South Carolina.

Additionally, Dr. Hardy founded the NCA Community Development Center. Its mission is to aid, service, and develop people to reach their highest and fullest potential by providing special outreach programs, promoting educational success, and by enhancing permanent leadership.

Dr. Hardy's success has been recognized by his appointment as Suffrogan Bishop in region three of the Pentecostal Assemblies of the World and his election as chairman of the Carolina State Council. However, as Dr. Hardy often says, ''It's all about the Lord, not me.''

I ask my colleagues to join me in honoring Dr. and Mrs. Hardy for their many achievements and wish them well for many more years of dedicated service to the people of both Carolinas.

SUPPORTING THE AMERICORPS PROGRAM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of AmeriCorps, a program that offers an opportunity for young people and Americans of all ages to contribute to their communities. It makes the dream of college education a reality for families who work hard and play by the rules while meeting compelling human needs in our communities in a cost-effective manner.

I have been supportive of all national and community service initiatives President Bush appealed for in his 2002 State of the Union address. But the majority side of the appropriators refused to include AmeriCorps funding in the supplemental appropriations bill.

Mr. Speaker, the lack of supplementary funding for AmeriCorps has had a vital impact on Dallas, my hometown, and the other AmeriCorps programs across the State.

Throughout the past year, nearly 72 AmeriCorps volunteers have tutored 691 youths in the State of Texas including the Dallas Habitat for Humanities and the YMCA of Dallas Oak Cliff Branch.

In Texas, as in other States, AmeriCorps volunteers provide a host of services including building affordable housing, teaching computer skills to youth and seniors, and managing after-school programs aimed at youngsters who might otherwise drop out of school.

Mr. Speaker, we will not find common ground or reach higher ground if we turn national service into a partisan playground.

I will continue to work hard and do everything I can to strengthen this program, and I ask my House colleagues to do everything as well.

DEMOCRACY MEANS YOU

(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, my office, just like any other office here on the Hill, responds to thousands of constituent concerns each month. We spend a great deal of time responding in a timely planner to these letters, e-mails, and phone call requests; and this give and take is the hallmark of our democracy.

Lately, I have been receiving more and more letters and e-mails sent by organizations supposedly on behalf of my constituents. One of these organizations recently sent a letter to my office from one of my constituents. The problem is that this constituent is a personal friend of mine who did not ask them to send a letter to me with his name on it. In fact, he did not even agree with the content of the letter. He simply signed up to receive e-mail updates. He told me in an e-mail last month that ''every week this group would send junk to the people on their list, and then ask you to forward it to your politicians. What a scam. I never forwarded any of that garbage.'' Yet one of those messages got to me with his name on it.

It is outrageous that any group would send mass mailings to Members of Congress under false pretenses, deceptively putting someone's name on it without their knowledge or consent. We rely on the integrity of the mail so that we can reply in good faith; and when that good faith is undermined, it is shameful and a disgrace to the American democratic system.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. BURGESS). Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2989.

□ 1412

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. DREIER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday,

September 4, 2003, the amendment by the gentleman from Tennessee (Mr. COOPER) had been disposed of, and the bill was open for amendment from page 53, line 3 through page 157, line 2.

Pursuant to the order of the House of that day, no further amendment to the bill shall be in order except the amendments designated in the order of the House, which may be offered only by the Member designated in the request, or a designee, shall be considered read, shall be debatable for the time specified in the request, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

AMENDMENT NO. 6 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $893,000,000.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume, and I will not take the 5 minutes. I will try to make this as quick and painless as possible in deference to our chairman here.

Mr. Chairman, I rise today to offer an amendment to cut by 1 percent the level of funding in the appropriations bill, which amounts to $893 million. As most Members are aware, I have introduced similar amendments to appropriations bills. The same tiny 1 percent translates to one penny of every dollar we spend. Some might ask what we get for this penny. My amendments would have saved over $3 billion.

Mr. Chairman, I think the committee has done a good job; but we do have a deficit crisis, I think, and we need to deal with it. I think now is the time to deal with it, and this is one little way we can approach that.

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, with all due respect to the gentleman from Colorado, and despite my great sympathy with his amendment, I cannot support it. The amendment seeks to make across-the-board cuts in this bill, which we have carefully crafted to try to balance priorities. That means that had we received an allocation of lesser numbers, such as the gentleman effectively would create, we would have changed priorities, not done an across-the-board cut.

I certainly appreciate his desire, but let me state that what we have done in the bill is to go through and tighten and clamp down on everything that it was in my power to do, Mr. Chairman.

□ 1415

In doing so, we have tried to put as much money as possible where I believe we have some of the greatest need in this country and where the taxpayers have been paying through their fuel taxes at the gasoline and the diesel pump, namely, the highway construction program, which has a great backlog. It, unfortunately, would be affected most heavily by the gentleman's amendment. Some $428 million from highway construction programs would be lost under the gentleman's amendment. That would greatly diminish our ability to work upon the $400 billion backlog that we have throughout the country, the tens of thousands of dangerous bridges that we are trying to address through the funding in this bill.

There are other impacts upon other agencies, but most especially, it would affect the highway program which we have gone to great lengths to adjust priorities in this bill to try to give the taxpayers something for what they have been paying at the gasoline pump, namely, some improvements in the road situation that is costing taxpayers billions of dollars a year in lost income and in delays due to the heavy amount of congestion and difficulty they have in traffic.

So I have great sympathy for the proposal that the gentleman offers, but I rise in opposition to this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

Mr. MANZULLO Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MANZULLO:

At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting ''at least 65 percent'' for ''substantially all''; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from Massachusetts (Mr. OLVER) each will control 5 minutes.

Mr. OLVER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a couple of minutes when I finish speaking, I will move to withdraw my amendment from the floor and acknowledge the propriety of the point of order and the circumstances.

This amendment would increase the American-made content of the equipment purchased under the bill from 50 to 65 percent. This modest increase will strengthen the job-creation benefits of the bill. I am all for having a strong construction industry in America, and the infrastructure funded by this bill will provide many jobs in that industry. At the same time, I want to give our manufacturing industry the same boost. Our Nation's industrial workers deserve no less, and their need for help is great.

The Washington Post said on September 3, 2003, ''In his Labor Day address, the President signaled that the loss of 2.6 million manufacturing jobs during his administration had moved to the top of his list of domestic policy concerns.''

In 1981 Rockford, Illinois, which I have the privilege to represent, had an unemployment rate of 25 percent, the highest in the Nation. Today it is around 11 percent, and I do not want to see a recurrence of 1981. This summer we lost two more factories. We are in danger of seeing our industrial base irreparably harmed. Many of these well-paying jobs are leaving forever. How do we get back the jobs once they are moved to a foreign-producing country?

In August, manufacturing employment declined again for the 37th consecutive month. That is a record. That is another 44,000 manufacturing jobs erased from the payroll.

For the first time in our Nation's history, we have fewer than 10 percent of our jobs in the manufacturing sector of the labor force. That means fewer employees at any time since 1961 when the U.S. population was 100 million smaller. Manufacturing & Technology News said on May 16, 2003, ''The U.S. manufacturing sector is now producing 1 billion per day less than its own domestic markets demand as a flood of cut-throat-priced imports displaces output and jobs at an unprecedented rate. U.S. industry now produces $10 billion less auto parts each month than our own

markets demand, $3 billion less in computer and computer parts, and so on throughout the sector.''

Are not our manufacturers deserving of this modest help that we can give them here today? Mr. Chairman, we need help in the manufacturing sector.

Mr. Chairman, I ask unanimous consent to withdraw this amendment because of the rules.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT NO. 24 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. SESSIONS:

At the end of the bill (before the short title), insert the following:

SEC. 742. None of the funds made available in this Act may be used to operate individual Amtrak routes whose Operating Ratio (defined as expenses divided by revenues, where revenues include State subsidies) is identified as greater than 2.0 in the February 7, 2002, report by the Amtrak Reform Council entitled ''An Action Plan For the Restructuring and Rationalization of the National Intercity Rail Passenger System''.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Massachusetts (Mr. OLVER) each will control 5 minutes.

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is a modest attempt to inject an objective standard into the Federal Government's Amtrak route funding decisions. Under the Amtrak Reform and Accountability Act of 1997, Federal financial assistance to cover operating losses incurred by Amtrak were to be eliminated by the year 2002. Sadly, Amtrak is nowhere near eliminating its need for Federal financial assistance to cover its operating losses. I cannot say we are any closer to achieving that goal now than we were in 1997.

The Amtrak Reform and Accountability Act of 1997 established and provided for an independent commission known as the Amtrak Reform Council, which was statutorily charged with evaluating Amtrak's performance and making recommendations for achieving further cost containment, productivity improvements, and financial reforms. Its work has not gone completely unnoticed by this Member. At least I believe one amendment and change should be made as a result of its report that was made in February 2002 to Members of Congress.

Appendix V of that report, which I have blown up for Members' consideration and will include for the RECORD, calculates in its last column what is known as the operating ratio for each of its 2001 routes.

My amendment simply states that based on each route's operation ratio, Amtrak either gets fiscal year 2004 Federal funding to operate the route or it does not. The routes highlighted in green on this chart will make the cut and receive Federal 2004 funding. Those are routes that recoup 50 cents in revenue which include State subsidies for each dollar in operating costs. The routes highlighted in red on this chart will not make the cut and will receive no fiscal year 2004 funding. I believe these routes unfairly stretch the pocketbooks of the American taxpayer and put the Amtrak system at risk.

This amendment is an honest and modest attempt to inject some objectivity into the Amtrak funding process. As Members can see, the lion's share of the corridor trains will stay in business in fiscal year 2004 under my amendment. That is because they show the greatest potential for ridership and for achieving the goal of the Amtrak Reform and Accountability Act of 1997 of eliminating Federal assistance to cover Amtrak's operating losses.

Six of the 19 long-distance trains will receive 2004 Federal funding under my amendment. Those that cannot show at least $1 for every $2 in cost will not. This amendment is more than reasonable. With it, Congress simply says any passenger route that fails to generate just $1 in revenue for $2 in cost is a route not worth keeping in the upcoming financial year. This amendment also involves more than just a concentration of funds on the most visible lines of Amtrak. It also involves America's trust.

The public must trust in what Congress is doing with their money. Amtrak is not a public welfare project. It provides a real service, it buys capital equipment, it owns a significant amount of real estate, and it holds substantial quantities of hard assets, all of which were once in the hands of the private sector.

My amendment is also about running a railroad. If we lay any claim to being a competent governing body capable of spending taxpayer money wisely, then we have to take the responsibility for the money and we have to make sure that the way it is spent is put to good use. Putting a cap on poor performance and the routes that do not make this revenue cut simply is something that Congress must step up to the plate and address. Allowing Amtrak to operate any and all unprofitable lines without any limitation forfeits far too much of our credibility with this body that we can run a railroad or be worthy stewards of the taxpayer money.

APPENDIX V: AMTRAK'S 2001 PROFIT/LOSS OF INDIVIDUAL ROUTES

[From the February 7, 2002, report by the Amtrak Reform Council entitled ''An Action Plan For the Restructuring and Rationalization of the National Intercity Passenger System.'']

	Ridership (000)	Revenue excluding State payments (millions)	Total revenue with State payments (millions)	Total costs excluding depreciation (millions)	Profit/Loss on full costs (millions)	Loss per rider (full costs)	Operating ratio, expenses divided by revenues (including State subsidies)
Corridor Trains:							
Keystone & Clocker	3,021	42.4	45.2	65.6	(20.4)	(6.75)	1.45
Route 1, Metroliner/Acela Exp.	2,652	271.2	271.2	220.0	51.3	19.33	0.81
Route 3, Ethan Allen Exp.	42	2.0	2.2	4.5	(2.2)	(52.91)	1.99
Route 4, Vermonter	69	4.3	5.8	6.4	(0.6)	(9.09)	1.11
Route 5, NE Direct/Acela Regional	6,262	328.6	328.6	400.1	(71.5)	(11.42)	1.22
Route 15, Empire Service	1,304	52.5	52.5	89.0	(36.5)	(27.97)	1.69
Route 20, Chicago-St. Louis	254	7.8	11.5	27.7	(16.1)	(63.63)	2.40
Route 21, Hiawathas	424	7.6	12.6	26.0	(13.3)	(31.47)	2.06
Route 22, Chicago-Pontiac	295	9.7	9.7	30.9	(21.2)	(71.95)	3.20
Route 23, Illini	105	3.5	6.0	9.1	(3.1)	(29.75)	1.52
Route 24, Illinois Zephyr	100	2.7	5.5	8.2	(2.7)	(27.09)	1.49
Route 29, Heartland Flyer	58	1.2	5.8	5.2	0.6	9.93	0.90
Route 35, Pacific Surfliner	1,716	31.0	52.5	78.6	(26.1)	(15.21)	1.50
Route 36, Cascades	565	15.5	31.8	38.1	(6.3)	(11.21)	1.20
Route 37, Capitols	1,073	11.7	30.2	34.6	(4.4)	(4.11)	1.15
Route 39, San Joaquins	712	19.8	43.0	52.0	(9.0)	(12.62)	1.21
Route 40, Adirondack	100	4.4	7.1	7.8	(0.7)	(7.29)	1.10
Route 41, International	105	3.4	7.1	10.0	(2.9)	(27.47)	1.41
Route 56, Kansas City-St. Louis	177	4.5	10.5	12.6	(2.1)	(11.75)	1.20
Route 65, Pere Marquette	59	1.9	4.1	6.6	(2.5)	(42.61)	1.61
Route 67, Piedmont	51	0.7	4.0	5.0	(1.0)	(20.35)	1.26
Totals, Corridor Trains	19,146	826.4	946.9	1,137.9	(191.1)	(9.98)	1.20
Long Distance Trains:							
Route 16, Silver Star	266	30.7	30.7	60.8	(30.0)	(112.86)	1.98
Route 17, Three Rivers	134	26.5	26.5	59.3	(32.8)	(244.69)	2.24
Route 18, Cardinal	68	4.4	4.4	17.1	(12.6)	(186.91)	3.85
Route 19, Silver Meteor	252	28.5	28.5	49.8	(21.2)	(84.12)	1.74
Route 25, Empire Builder	398	53.3	53.3	98.7	(45.4)	(114.14)	1.85
Route 26, Capitol Limited	154	21.4	21.4	45.6	(24.2)	(157.33)	2.13

APPENDIX V: AMTRAK'S 2001 PROFIT/LOSS OF INDIVIDUAL ROUTES—Continued

[From the February 7, 2002, report by the Amtrak Reform Council entitled ''An Action Plan For the Restructuring and Rationalization of the National Intercity Passenger System.'']

	Ridership (000)	Revenue excluding State payments (millions)	Total revenue with State payments (millions)	Total costs excluding depreciation (millions)	Profit/Loss on full costs (millions)	Loss per rider (full costs)	Operating Ratio, expenses divided by revenues (including State subsidies)
Route 27, California Zephyr	361	51.7	51.7	103.7	(52.0)	(143.93)	2.01
Route 28, Southwest Chief	265	65.9	65.9	128.7	(62.8)	(236.76)	1.95
Route 30, City of New Orleans	187	15.3	15.3	39.1	(23.7)	126.81)	2.55
Route 32, Texas Eagle	149	22.4	22.4	60.7	(38.4)	(258.25)	2.72
Route 33, Sunset Limited	110	17.7	17.7	56.1	(38.3)	(347.45)	3.16
Route 34, Coast Starlight	494	41.2	41.2	87.1	(45.9)	(92.98)	2.11
Route 45, Lake Shore Limited	293	30.6	30.6	72.4	(41.9)	(142.65)	2.37
Route 48, Silver Palm	219	28.3	28.3	57.0	(28.7)	(131.31)	2.01
Route 52, Crescent	265	30.8	30.8	65.8	(35.0)	(132.37)	2.14
Route 54, Kentucky Cardinal [1]	29	1.4	1.4	7.6	(6.2)	(211.65)	5.39
Route 57, Pennsylvanian	90	9.2	9.2	35.4	(26.3)	(292.34)	3.87
Route 63, Auto Train	214	54.6	54.6	66.4	(11.8)	(54.96)	1.22
Route 66, Carolinian	242	13.5	16.2	20.2	(4.0)	(16.37)	1.24
Totals, Long-Distance Trains	4,190.0	547.5	550.2	1,131.4	(581.2)	(138.71)	2.06
Grand Total, All Trains	23,335.7	1,374.0	1,497.1	2,269.3	(772.2)	(33.09)	1.52

[1] Kentucky Cardinal classified as a long-distance train because it is an overnight train with sleeping accommodations.

Source: Amtrak; excludes special trains and $4.3 million in unallocated labor expense.

Mr. SESSIONS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I rise to support the gentleman's amendment. I believe it is a common sense amendment. Amtrak says that with the allocation we have for them in this bill, they cannot operate at their current level. It is only common sense that they should look at the routes where they lose the most money, routes that cost them to run that do not have local support and do not have State support sufficient to justify the operation. That would enable them to focus their operations on the areas of the country where things make more sense. So I certainly support the gentleman's amendment, and I appreciate his offering it.

Mr. SESSIONS. Mr. Chairman, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment. This amendment would eliminate from the present list of roughly 40 routes that Amtrak operates 16 of these routes, including such routes as Chicago to St. Louis and Chicago to Pontiac, which are two of the key routes within the Chicago hub system, routes which, interestingly enough, are part of a hub system, which has been much touted for in the long-term high-speed-rail development.

In fiscal year 2003, Amtrak did not initiate additional changes in its long distance routes because the individual long distance routes would not result in any significant savings, and no savings at all in the first several years. In the interim, severance costs would be very costly expenses, estimated up to a billion in the first year for taxpayers if one were to eliminate the long-distance routes.

I have not analyzed whether these routes are exactly the same routes, but there is a great deal of overlap between the routes that have been considered for long-distance elimination and to what I have said applies, that there would be no savings in the short run; and, in fact, would have considerable severance costs involved.

The gentleman's amendment bans the use of States to subsidize these routes, routes like the Chicago to St. Louis and the Chicago to Pontiac or to Detroit, those represent part of a close-in system where urban areas are close to each other and which by every indication the President himself has been suggesting that these should be routes that ought to be supportable for operating purposes and for some capital purposes by the States, that they ought to be involved. This amendment, as I understand it, bans the uses of States to subsidize routes.

□ 1430

I do not know if we should be in the business of telling States how to spend their own money. The issue of long-distance trains, and how to deal with those, really is one for the authorization committee and not for the Appropriations Committee.

I urge a ''no'' vote on this amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas. This amendment is designed to eliminate virtually all of Amtrak's long-distance train operations. If enacted, it would mean the end to our national system of intercity rail passenger service. The nation would be left with an unconnected collection of corridor-type services and whole regions of the nation would lose access to this mode of travel.

The amendment calls for eliminating any passenger train route where operating expenses are twice operating revenues as determined by the Amtrak Reform Council in its Final Report. At first blush, this might not seem all that unreasonable. The reality is, however, that what this amendment would accomplish is highly unreasonable. The gentleman from Texas ignores the fact that hardly any passenger train service in the world comes close to covering its cost. Most rail transit operators, for example, would be thrilled to have a 50 percent cost recovery factor. Let's look at the impact of adopting this amendment.

Intercity rail passenger service between New York City and Chicago would be eliminated, as Amtrak would have to drop its Lake Shore and Three Rivers services. Service between Washington, D.C. and Chicago likewise would disappear with the termination of the Capitol Limited and Cardinal trains. There would be no more rail passenger service from the East Coast to Amtrak's hub in Chicago, as the Pennsylvanian service between Philadelphia and Chicago would also be eliminated.

Service between Chicago and San Francisco on the California Zephyr would be history. As a result, rail travel through some of the most scenic parts of North America would be no more. Gone, too, would be the fabled City of New Orleans, as all service between Chicago and New Orleans would have to crease. Service between Chicago and Los Angeles via St. Louis, Little Rock, Dallas, and San Antonio would end with the elimination of the Texas Eagle. Service between Florida and Los Angeles on the Sunset Limited through New Orleans and Houston would also be axed. Amtrak's popular and scenic train along the West Coast between Seattle and Los Angeles, the Coast Starlight, also would be cut, as would Amtrak's Crescent train between New Orleans and New York via Atlanta and Washington.

With the exception of Amtrak's Silver services between New York and Florida and the Southwest Chief from Chicago to Los Angeles via Arizona, there would be no rail passenger train service in the Southern half of the nation. In fact, the only other long distance train that would survive would be the Empire Builder between Chicago and Seattle.

And the cuts are not limited to Amtrak's long-distance train operations. Under the route elimination criterion established by this amendment, passenger train services between Chicago and Milwaukee, Chicago and St. Louis, and Chicago and Pontiac, Michigan, also would have to be discontinued. These are critically important components of the Midwest High-speed Rail Initiative. It makes no sense whatsoever to stop service today when these corridors are leading candidates for significant upgrades for high-speed service.

If this amendment were to pass, many of America's largest cities would be left without any intercity rail passenger service including: Birmingham, Alabama; Little Rock, Arkansas; Phoenix, Arizona; Denver, Colorado; Atlanta,

Georgia; New Orleans, Louisiana; Omaha, Nebraska; Reno, Nevada; Cincinnati, Cleveland, and Toledo, Ohio; Austin, Dallas, El Paso, Houston, and San Antonio, Texas; and Salt Lake City, Utah.

And to what purpose? If this amendment were to pass, little, if anything, would be saved. Moreover, once these routes were gone, the remaining services would have to share a greater part of the cost burden. Another round of cutbacks would be sure to follow. There is a cascading effect as the connecting revenues lost from these services affect the financial performance of the remaining trains.

It also should be clear that once these routes are eliminated, they will be gone forever. The nation's freight railroads will be quick to take steps to ensure that passenger train services will not be reinstated. The freight railroads have long only grudgingly accommodated Amtrak's operations.

The loss of the long-distance train affects many who rely on these trains for trips between online city pairs. It is true that relatively few people use the trains for transcontinental travel, but millions of riders each year use them to travel between places other than the terminal cities. This travel will be lost and we will lose forever the ability to develop these intra-route corridors.

Finally, the approach taken by the Amtrak Reform Council to measure the route losses, is, in itself, flawed. Amtrak and the Federal Railway Administration have developed a more accurate measure of train performance, which takes into account downstream effects of route eliminations. Mr. Chairman, I remind my colleagues that the Amtrak Reform Council repeatedly erred in both assumptions and facts in its reports. In fact, each year of the ARC's existence, the House cut the ARC's budget to indicate its overwhelming displeasure with the ARC's clear agenda to attack Amtrak.

Therefore, this amendment must be rejected. It arrives at the wrong solution through flawed analyses. We need positive approaches to rebuilding and expanding our nation's intercity rail passenger system. We need to find ways to give Amtrak President, David Gunn, and his staff the resources needed to correct the years of neglect from a lack of funding.

I urge my colleagues to oppose the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OLVER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. SESSIONS) will be postponed.

AMENDMENT OFFERED BY MR. HONDA

Mr. HONDA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HONDA:

At the end of the bill (before the short title), insert the following:

SEC. ___. For an additional amount for new fixed guideway systems under the heading ''Federal Transit Administration—Capital Investment Grants'' for the Silicon Valley, CA, Rapid Transit Corridor, and the amount otherwise provided under such heading for the San Francisco, CA, Muni Third Street Light Rail Project is hereby reduced by, $1,000,000.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from California (Mr. HONDA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I yield myself such time as I may consume.

I offer a simple amendment that subtracts $1 million from the San Francisco Muni Third Street Light Rail Project and adds that amount to the Silicon Valley Rapid Transit Corridor Project.

The Silicon Valley Rapid Transit Corridor Project is a meritorious project that deserves Federal funding. It will connect BART with the highly frequented Santa Clara County destinations, including Santa Clara County's light rail system, ACE rail system, Cal Train's San Jose Station, the planned people mover at the Norman Y. Mineta San Jose Airport, and thousands of Silicon Valley employers.

In addition, this project is the last link needed to complete the connection of all the region's rail systems around San Francisco Bay. Mr. Chairman, I am honored and thankful that the gentlewoman from California (Ms. PELOSI), the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Massachusetts (Mr. OLVER) support this effort, and I urge my colleagues to support this amendment as well.

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

Mr. HONDA. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman for yielding. I would not claim the time in opposition because I do not oppose the amendment. As the gentleman indicated, I support it. I appreciate the Members that have worked together to transfer funds among some things that are all involved in the Bay Area of northern California and I know, as the gentleman and I have visited together about this, that there is a huge amount of local financial support that predominates far and away over any Federal funding anticipated.

I support the shifting of funds, and I appreciate the cooperation of Members toward this effort, knowing that it is all part of that interrelated Bay Area system as well.

Mr. HONDA. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does anyone seek time in opposition to the Honda amendment?

Mr. HONDA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HONDA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 157, insert the following after line 2:

SEC. 742. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 30 minutes.

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

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

The Flake-McGovern-Emerson-Delahunt amendment is very simple. It prohibits any funds in this bill from being used to enforce the regulations that restrict United States citizens from traveling to Cuba. Under current law, ordinary Americans cannot travel to Cuba unless they fit into narrowly defined categories and endure an arduous bureaucratic application and screening process.

In March of this year, while a sweeping crackdown in sentencing was going on in Cuba, the Office of Foreign Assets Control, under the direction of the State Department, eliminated the people-to-people category of travel licenses to Cuba. This is in direct opposition to the administration's stated intent to increase people-to-people contact with ordinary Cubans. My amendment would effectively end the travel ban and allow ordinary Americans to travel to Cuba and to take their ideals and values to ordinary Cubans.

This is an issue of freedom for Americans. Let me repeat that. This is an issue of freedom for Americans. We allow for freedom of travel to North Korea, to Iran, to Syria and to other countries where the human rights records are despicable and where animosity toward the U.S. is the basic foreign policy. Restricting travel to Cuba is not only ineffective, it curbs the basic American freedom to travel and to export American ideals and values.

This past March, the Castro regime carried out a sweeping crackdown on democracy and human rights activists, journalists, independent library operators and other dissidents who were exercising basic rights.

Following the roundup of more than 80 people, they were subjected to summary trials that flew in the face of justice and were sentenced to several years in the horrible Cuban prisons. These prison sentences carried terms of up to 28 years and, given the health of some of these individuals, they are in effect death sentences.

The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) introduced a resolution that was quickly brought to the floor after this crackdown. Several of my Cuba Working Group colleagues and myself eagerly supported the Diaz-Balart resolution and joined him at these podiums in condemning the Castro regime and again demanding the release of Cuban political prisoners.

The crackdown left many speculating about Castro's timing and his motives. Some expressed shock and utter disappointment, as if Castro had at some point turned away from being the oppressive dictator that he is. I do not think many of us were surprised because, sadly, Castro has been doing this kind of thing for over 40 years.

There is an old saying, Mr. Chairman, ''if you want to keep getting what you're getting, just keep doing what you're doing.'' What we have been doing is isolating Cuba for more than 40 years. And what we have been getting is this kind of attitude from that regime. I do not think any of us ought to be surprised that Castro is not a reformed man. What we should not do is emulate Castro's heavy-handedness by curtailing the freedom of our own citizens.

Critics suggest that allowing Americans to travel to Cuba will provide the Castro regime with the financial resources it needs to sustain itself, but that regime has had enough resources to sustain itself for over 40 years, including beyond the post-Soviet era in which many predicted a sure demise within only months. That regime will sustain itself without American travelers going there, but ordinary Cubans will continue to be deprived of contact with Americans.

Whether we like it or not, Cuba's economic troubles will not lead to political instability. We should not base our policy on the hope that economic catastrophe will cause suffering, political unrest and ultimately political change. If we base our policy on this hope, we will be waiting a long, long time over and above the period that we have already waited. Instead, we ought to unleash the real source of American influence by allowing all Americans to travel freely to Cuba, just as Cuban-Americans are currently allowed to do.

In July of this year, 12 Cubans who fashioned a 1951 Chevy into a boat nearly made it to America, but they were sent back to Cuba after State Department officials reportedly negotiated 10-year prison terms with the Cuban government for these individuals. Upon returning to Cuba, I understand that six were promptly sentenced to these 10-year terms.

Keep in mind that this is our own State Department officials, the same ones who pore over applications for travel licenses and purport to know what is best for ordinary Americans who wish to travel to Cuba. Think about it. If you vote against this amendment, you are turning over your right as an American to travel to the same bureaucrats who do not have enough sense but to negotiate prison terms in Castro's jails for the Cubans it sends back to the island.

Under Democratic and Republican administrations, it has been a bedrock principle of American foreign policy that travel is a device that opens closed societies. American travelers are our best ambassadors. They carry the idea of freedom to people in Communist countries.

It is interesting to note that among the sentencing documents used by the Cuban government to consign nearly 80 political prisoners to jails in Cuba were written materials like Time Magazine, the Miami Herald, speeches by President Bush and other U.S. publications. These were considered subversive by the Castro regime.

Cubans want contact with Americans. Cuban dissidents regularly tell us that they oppose the travel ban because they believe that American travelers have a positive impact in Cuba.

It is time to listen to the Cuban people, and it is time to return to our basic American values. Americans deserve the freedom to travel to Cuba to see the island for themselves. I urge my colleagues to support the Flake-McGovern-Emerson-Delahunt amendment.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 30 minutes.

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

Mr. Chairman, the number one policy objective of the Cuban dictatorship is obtaining U.S. mass tourism and the billions of dollars it would generate for the dictatorship.

Travel to Cuba is now legal, but with a license for humanitarian, educational or journalistic reasons. But mass U.S. tourism is the dream, the number one goal, of the dictatorship.

The gentleman from Arizona and those who are pushing for this goal here in Congress say that Castro fears tourism. ''Let's adopt a real get-tough policy toward Castro. Let's send him tourists and their dollars,'' they say. If Castro fears U.S. tourism and its billions of dollars, then why is obtaining U.S. tourism his number one objective? His views are very public about this goal. What did he have to say just 1 year ago when these amendments passed this House?

''The House of Representatives voted with determination and courage for three amendments that bring glory to that institution. We shall always be grateful for that gesture.''

That was the statement of the Cuban tyrant 1 year ago. To say that granting the dictator his number one policy goal is to get tough on the dictatorship, in my view, constitutes uncalled for cynicism.

We have an embargo against the Cuban dictatorship, Mr. Chairman, because it is in the national interest of the United States for there to be a transition to democracy in a country 90 miles from our shores.

It is in the U.S. national interest for there to be an end to a terrorist regime that has had the head of its Air Force indicted for murder 2 weeks ago, the head of its Navy indicted for drug trafficking, and which carries out aggressive espionage and infiltration operations on all branches of the U.S. Government, including this Congress, over 15 Cuban spies having been arrested in the last years alone, with dozens more having been expelled from the U.S. The FBI confirms that there is no more aggressive, hostile intelligence service in the United States than Castro's operation.

It is in the U.S. national interest for there to be an end to a regime that harbors hundreds of international terrorists and a large number of felony fugitives from the United States. And just as Europe told the dictatorships in Spain and Portugal in the 1970s that access to the European Economic Community, now the European Union, required democracy in those countries, and that requirement was fundamental to the democratic transitions in those countries once the dictator of 40 years, Franco, died in Spain and the dictator of even more time in power, Oliviera, died in Portugal, our policy of conditioning access to the U.S. market, including mass tourism, to the liberation of all political prisoners and concrete movement toward free elections in Cuba, in other words, retaining the embargo until the Cuban people free themselves from their chains, is absolutely fundamental.

It is in the U.S. national interest, Mr. Chairman, for there to be an end to a regime that has systematically attempted to derail and hamper U.S. intelligence efforts against international terrorism in the post-September 11 era, a regime that harbors countless international terrorists.

It is in the U.S. national interest for there to be an end to a regime that maintains a biological weapons program 90 miles from the shores of the United States.

In the last 6 months, yes, the Cuban people have witnessed the most brutal crackdown on courageous pro-democracy leaders and independent journalists, leaders like Marta Beatriz Roque and Dr. Oscar Elias Biscet and Jorge Luis Garcia Perez (Antunez), all of them who agree that it is fundamental that we maintain the U.S. embargo, including the travel restrictions.

As a consequence of this crackdown, the European Union has imposed travel restrictions and other sanctions on the dictatorship's henchmen. Important newspapers, such as the Los Angeles Times, have changed their prior positions on sanctions.

For example, the Los Angeles Times wrote, ''After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes. Fidel Castro has thrown up a roadblock that cannot be ignored. He sicced his political police on about 90 independent journalists, political dissidents and union activists.

Before Congress even thinks about loosening restrictions, it should demand that Castro free those rounded up and demonstrate that his nation is moving toward democracy and away from totalitarianism.''

□ 1445

That change of position by the Los Angeles Times was a call to conscience.

None of the political prisoners, either of the recent ones or those serving decades in the torture gulag, have been freed. Over a dozen are known to have begun hunger strikes to protest the inhumanity of their captivity. Some are near death.

What this moment calls for, Mr. Chairman, is for this Congress to bring glory to itself, but not by spending more dollars to the Cuban tyrant. No. Not a tyrant's kind of glory. But to insist on the release of all political prisoners and on concrete steps toward free elections before a single additional dollar is sent to the enslaved island.

That is the glory that this moment requires, the glory characteristic of the American people, liberator of oppressed nations and their sovereign free institution, this people's House, not the glory of a tyrant like the quote that we looked at before, a tyrant who dispatches his goons to terrorize and imprison unarmed men and women and who sends those who dare to dream of freedom to the firing squad after farcical sham trials.

Mr. Chairman, I thank President Bush for his veto threat regarding these uncalled-for amendments, but I ask my colleagues here to not make it necessary for the President to carry out his threat. I ask my colleagues to defeat these sad amendments.

Mr. FLAKE. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of the Flake-McGovern-Emerson-Delahunt amendment to limit funding for the enforcement of the travel ban to Cuba. This amendment is offered on behalf of the 52-member bipartisan Cuba Working Group.

For 40 years, U.S. Cuba policy has violated the right of every American to travel freely. While Americans may travel to Vietnam, to China, and even to North Korea, they may not legally travel to Cuba.

For 40 years, the American people have been told that the sanctions against travel to Cuba, like other economic sanctions, will bring human rights and democracy to Cuba and the downfall of the Castro regime. This policy has failed, and it has failed miserably.

Currently, Cuba and the United States are engaged in a dangerous spiral of escalation and recrimination. The Cubans engage in a cruel crackdown against dissent on the island. The United States tightens the restrictions on travel and eliminates people-to-people educational and cultural exchanges.

At the very moment when the Cuban Government was trying to break the spirit of Cubans who dare to think differently, the United States Government restricted even further the exposure of Cubans to individuals and groups who could provide alternative information and provoke discussion, the American people. We need a better, more rational, more mature approach.

Mr. Chairman, Americans are a pragmatic and practical people. We like things that work, that do the job, that deliver results.

After 40 years of a failed policy on Cuba, it is long past time to try something else. If this policy was going to work, it would have worked by now. I believe that ending the ban on travel is one of the best steps we can take. I believe the Cuban people can benefit from more contact, not less, with the American people. Now is the time to invade Cuba with doctors and writers, teachers, students, business leaders, bicyclists, grandmothers, activists and more. They are, indeed, our very best ambassadors.

I agree with Human Rights Watch and Amnesty International that the 40-plus years of a U.S. policy of isolation has not contributed to the betterment of human rights in Cuba and, in many respects, has had a negative impact on human rights and that the travel ban should end.

I agree with the vast majority of dissidents living on the island, including Vladimiro Roca, president of the Cuban Social Democratic Party, and Oswaldo Paya, leader of the democratic reform movement known as the Varela Project, who have expressed their full support for an end on the ban on travel by Americans to Cuba.

I agree with independent journalist Miriam Leiva, wife of imprisoned dissident Oscar Espinosa Chepe, when she wrote to President Bush this May declaring: ''The visits of hundreds of thousands of North Americans to Cuba could contribute to the exchange of ideas and the progress of democracy.''

This amendment represents the bipartisan majority of this Congress and the majority view of the American people. It represents the mainstream view in this country.

For 3 consecutive years, this House has voted overwhelmingly to lift the ban on travel, only to have a small group of Members undermine the will of the House in conference committee. I would say to the leadership of this House, do not just talk about democracy; respect democracy. Respect the will of this House. Respect the Members of the greatest deliberative body in the world. Do not hide behind closed doors and secret negotiations. Do not hide behind rhetoric that questions the integrity of those who disagree with you.

The current policy has failed. It is time to take a new approach. Support the freedom of Americans to travel, support Cubans who want to interact and meet with Americans, support the bipartisan amendment to end the travel ban on Cuba.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I am honored to yield 6 minutes to my distinguished friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my friend from Florida for yielding me time.

Mr. Chairman, it is unconscionable that after the recent arrest and the sentencing of close to 80 dissident human right activists and opposition leaders by the Castro regime, that we would be here seeking to reward the dictatorship for its deplorable action, because, make no mistake, that is what this amendment seeks to do. It is going to provide it with much needed currency to continue this reign of terror.

It defies all understanding that as the most recent prisoners of conscience languish in squalid sells, devoid of any light, malnourished, denied medical attention, the response of the United States Congress to this would be to bestow to this pariah state another victory.

In the past, as we heard from the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the Castro dictatorship, Fidel Castro himself, has publicly thanked the U.S. House of Representatives for passing this amendment.

I wonder if Hector Raul Valle Hernandez, a political prisoner at Guantanamo, would be as understanding. Hector languishes in a tiny, dark, squalid isolation cell. He is malnourished. He is given contaminated water. As a result, he has an increasing number of parasites in his system and is denied any medical treatment. Since his arrest of March of this year, he has lost over 40 pounds. However, he does not succumb to this torture. He remains true to his principles and beliefs. Would he be as understanding about this vote?

Like Hector, we have Marta Beatriz Roque, Oscar Espinosa Chepe, Victor Rolando Arroyo, Hector Palacios, Omar Pernet Hernandez, Juan Carlos Gonzalez Leyva, and scores of other political prisoners, like Antunez, Jorge Luis Garcia Perez, and Dr. Oscar Elias Biscet, who truly deserves the Nobel Peace Prize.

Their bodies are weak, they are rapidly deteriorating; but their courage, their spirit, their commitment to a free Cuba from its enslavement is stronger than ever. What message would we be sending to these brave souls about our own commitment to their freedom?

What about our brothers and sisters just 90 miles away? Do they not bleed when they are stricken? Do they not cry out? Are they not entitled to freedom and democracy? Are they not entitled to security?

Even the European Union is realizing that its economic entanglements with Castro are not sound. In June of this year, the EU began restricting its contact with the dictatorship, citing deep concerns ''about its flagrant violations of human rights and of fundamental freedoms of members of the Cuban opposition and of independent journalists.''

Just last week, the Italian foreign minister, whose country, Italy, holds the EU presidency, stated, ''We have to say that the Cuban Government has not taken a single positive step to meet the goals that Europe has set and in fact the situation of human rights has worsened yet further.''

After years of unrestricted travel by these European tourists and officials, all of them from EU countries, countries with rich democratic traditions, has the situation of human rights in Cuba improved? No. They even say it has worsened.

So this leaves one to question the arguments raised by the proponents of this amendment about exporting democracy. Let us look at recent examples.

Georgetown University is planning an educational trip to Cuba. It cites as one of its stops El Valle de Vinales. El Valle de Vinales is a lush and beautiful valley, an environmental paradise. Not many Cubans living there. It is a wonderful tourist stop. How will being in this tourist stop help democracy grow in Cuba?

Then they highlight a tour of Old Havana and a tour of Cuba's Revolutionary Museum. Exactly to whom would the participants be exporting democracy in these visits?

And there is also a case of a delegation which traveled to Cuba just a few weeks ago. They received a license from OFAC to attend a religious retreat. It turns out that several of them were participating in a golf tournament. That was exporting democracy? OFAC is investigating this further.

Particularly revealing is the fact that when Members of Congress, certain Members of Congress, seek to travel to Cuba in order to visit political prisoners in their jail cells, rather than to meet with the dictator and his cronies, they are denied visas by the regime.

Just ask our colleagues, the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH), Members who have made their reputation defending human rights and holding dictators accountable for their actions. One more than one occasion, they have tried to travel to Cuba with the expressed and limited purpose of engaging the peaceful and democratic pro-democracy forces within the island. But the regime has not allowed them to travel to Cuba.

Proponents of this amendment have also recently argued that it is needed by certain sectors of the U.S. economy which have been seriously affected by the terrorist attacks of September 11. My response to that is if we wanted to help the tourism industry, come to my district. Come visit Key West, come visit Miami Beach.

Also, we are talking about much-needed currency to a state sponsor of terrorism. We are engaged in an international war against terrorism. Cuba is engaged in a joint venture with the Iranian regime, having built a complex on the outskirts of Tehran to work on biological technology. The regime needs money to keep this program going. This amendment will help the regime get those funds.

The Cuban regime is also working in concert with other pariah states like Libya and Syria on what it terms ''scientific cooperation.'' Thus this amendment runs contrary to President Bush's commitment to deny terrorists the financing to carry out the attacks against the Americans and our American interests and allies. I ask our colleagues to reject this amendment, which will help Fidel Castro.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, through you to my colleagues, it has been 43 years that we have had this embargo with Cuba. It has not worked. It seems to me we should do one of two things: we should either make the pain greater for the Cuban people, as we so with the embargo, or we should make some changes to improve communications.

How do we make those kind of changes? One change that I think of is perestroika in Russia. In the late 80s, when more open communication was started, when the Russian people started learning about what America was and what we were doing, we saw the beginning of change in Russia.

How can we better communicate with the Cuban people? I was down in Cuba about a year and a half ago, and most people of Cuba that I talked to do not seem to really know what America is all about, what the free market and free enterprise and liberty is all about. Of course, because under Castro they have not had it.

I think it should be clear that none of us support Castro. None of us disagree that Castro is bad. None of us disagree it would be good to have Castro out of the way. The question is, how do we do something better than what we have done for the last 43 years?

We talk about some of the prisoners, saying, keep up the pain and keep your embargo going. I would quote one of the prisoners, Espenosa Chapa, who said, ''The policy of isolating Cuba, far from bringing freedom, has only served to give the regime an alibi that the embargo is the cause of all the ills the country suffers, and it has kept Cuban society away from a greater flow of democratic ideas and values.''

The current ban on travel is only one element of the embargo. Mr. Chairman, I would say it is somewhat akin to increased free trade worldwide where there is freer interaction and more open communication.

So I just call on my colleagues, do not go along with the status quo. Let us make a change, because the last 43 years have not accomplished the goals that we want to accomplish. Support the Flake amendment.

□ 1500

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I have said in the past, doing business with Cuba means doing business with Castro. So long as Castro maintains his stranglehold on every aspect of Cuban life, lifting any aspect of the embargo or allowing Americans to travel to Cuba could mean subsidizing Castro.

Most Cuban tourist operations and resorts are owned and operated by fronts for the Cuban military and internal security services. These so-called ''companies'' funnel money directly into Castro's military, earning the regime the hard currency it needs to perpetrate its oppressive policies. Is that where Americans should be spending their money?

Castro has come to rely almost solely on his income from tourism; formerly profitable industries like sugar now only represent a small amount of the island's income. Proponents of travel will lead you to believe that if only Americans were allowed to travel to the island, then the Cuban people would realize the great freedoms they are missing and rise up and demand political and humanitarian reforms from their leaders.

But, Mr. Chairman, the people of Cuba are not ignorant. Most speak regularly with their families here in the U.S. and they are fully aware of their lack of freedom and opportunities. In fact, the people of Cuba have risen up in protest to their government, only to have Castro throw over 80 nonviolent opposition leaders behind bars, sentencing many of them to life sentences in subhuman conditions in Castro's jails.

Tourist travel to Cuba will not increase purposeful contact with the Cuban people. Europeans and Canadians have been traveling to Cuba for years and clearly they have had no positive effect on Cuba's leaders or political machine.

By lifting these sanctions with nothing in exchange from the Cuban government, we are betraying the very people these policies were designed to help. I urge my colleagues to join with me and oppose any amendments that lift travel restrictions or lift the embargo and to remain committed to their support of the Cuban people.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a man who has worked tirelessly on this issue for years.

Mr. DELAHUNT. Mr. Chairman, let me respond to the gentleman from Florida for 1 minute regarding his observation that this was Castro's priority. I do not necessarily believe the words of Fidel Castro. I honestly wonder if this crackdown that we all condemn was a canard to continue the policy of the Castro government to use the ban on travel and the economic embargo as an opportunity to sustain the government and the regime in power. But, as others have indicated, 40 years, more than 40 years and counting of a failed policy that has brought about no change in Cuba. That cannot be denied.

The magnitude of the failure of this policy is so colossal that it is inconceivable that we continue to pursue it. Because while it has not benefited the Cuban people, it has also diminished American freedoms. As the former Supreme Court Justice William Douglas once said, and I am quoting, ''Freedom of movement is the very essence of our free society, setting us apart. It often makes all other rights meaningful.''

Imagine travel police who tell you where you can go and how much you can spend when you are there, even if you simply want to scatter the ashes of a beloved parent like one American citizen did. That does not sound like America travel police, but it is. That is the reality. We have our own travel police. It is called the Office of Foreign Asset Control, or OFAC. They decide who will go to Cuba and who does not. They insist that you account to them what you did there when you arrived and what you spent. If they do not believe you, they can punish you. They have even threatened to garnish Social Security benefits from one individual.

We should all be offended as Americans by this policy.

So yes, this debate today is about democracy. It is all about democracy; our democracy as well as democracy in Cuba.

This amendment would end this affront to American liberty and American rights. What makes the curtailment of this freedom of Americans so particularly repugnant is the hypocrisy of the policy. For example, and others have alluded to it: Americans can travel today to Iran, to North Korea, the remaining members of the axis of evil club. And remember when Saddam Hussein was in power, you could go to Baghdad and use your American Express card. You cannot do it in Havana.

Those who would maintain the status quo and continue to deny Americans the freedom to travel proclaim that all Cuba has to do is to conduct free and fair elections, legalize all political parties, allow freedom of the press and association, permit the existence of independent labor unions, and then, we will restore to Americans their freedom to travel. Those are worthy goals.

Well, if the rights of Americans to travel are predicated on these standards, then how about Egypt, a one-party State where elections are a sham, where political and religious dissent is repressed, and freedom of the press is restricted. But for Egypt, the penalty, the penalty is $2 billion worth of American foreign aid every year.

What about Saudi Arabia, one of the most repressive regimes on earth according to our own State Department, where women can not drive, and where American soldiers could not practice their religion openly on Saudi soil.

Well, I have seen women driving in Cuba, and I have attended mass in Havana with Cuban dissidents. And 15 of the terrorists who attacked the United States on September 11 were from Saudi Arabia. There was not a Cuban among them. And yet, some of the most ardent proponents of the Cuba travel policy today vote for United States assistance to Saudi Arabia. Is it not time to end the hypocrisy? We ought not to be the land of the licensed, but the land of the free. Support the amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, the first thing I want to do is to thank my good friend, the gentleman from Arizona (Mr. FLAKE), who really is a great freedom fighter and somebody I admire and respect a great deal. But I have a huge difference of opinion in terms of what promotes freedom, not just in our hemisphere, but throughout the world with respect to this specific issue.

One of the many arguments I have heard from the proponents of this amendment is that the Cuban citizens would be better off if they had American tourists. Arguably, Iraqi citizens would have been better off if we had a free flow of Iraqi oil throughout the world and the prosperity that that might have brought, but not if Saddam Hussein was using the profits to terrorize his own people and to export terrorism and totalitarianism elsewhere throughout the world.

That is precisely the predicament we are in. Fidel Castro, as long as he is alive and in charge in Cuba, will use every last dollar to terrorize his own people, to basically jail dissidents, to execute people that disagree with him, and to export terrorism throughout the world. He is the single last remnant of the 100-year terrorism that communism plagued upon our entire planet in the last century. Yet, he stands just 90 miles off of our shores in Florida where he put missiles aimed at the people of the United States less than 25 years ago.

I will tell my colleagues that when the lambs lay down with the lions, lambs get slaughtered, and the day to capitulate and to acquiesce and to acknowledge Castro as some reality that we have to put up with, condone, and even support with tourism dollars is not here and it will never be here, as long as those of us who truly believe that the way to freedom is to show up and stare down dictators, not cooperate with them.

I will tell you this one out is the last remnant of communism, totalitarianism, repression, and it is the original terrorist state. We need to stare down Castro and not succumb to his evil deeds.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I thank the gentleman from Arizona. I am also a proud member of the working group, the Cuban working group that was established almost 2 years ago, and I have to tell my colleagues, as someone from California, I am on the other side of the country, but I know that many in my district in Los Angeles and throughout California have had the chance to visit and also meet with people from Cuba. One of the things they tell me as a Congresswoman is that they would love to be able to go and spend more money there, to interact through educational programs, to visit different tourist sites there, but to engage with the people there.

On my visit there 2 years ago, I found it very striking that yes, indeed, the free market is working. It is working in Cuba. I visited a small restaurant where I sat with the family who owned their own restaurant. The money that we gave them in dollars was sufficient at the time. Maybe if we did more of that, they would be able to have a lot more, but we are not allowing for that. We need to lift the travel ban. Even in the State of California, where I served as a member of the Senate, our Senate members voted for a resolution to come to this House to say that we ought to lift the travel ban. By opening up our doors of education, culturally, and also economically, we have a lot to gain as well.

I had the opportunity to meet with other people from different countries in Cuba, from Canada and from Europe, and I saw that they are indeed taking advantage of helping to create a market base there, in different areas, and in agriculture, in the arts, and in the hotel and tourism industry. Why is not the United States, why cannot California engage in that by lifting this travel ban and allowing for the free flow of ideas and exchange, something that all of us here I think believe in.

When you say terrorism, I do not see that when I think about Cuba. I see hard-working people who want to be a part of our culture, the western civilization. I saw people wearing jeans, clothing that was reflective of people on our streets here in Washington,

D.C., and I think that they are earnestly looking for a lifting of this travel ban. I urge Members to do so.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from South Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I am actually amazed that we are even here discussing this issue. We are right now in the midst of a war against terrorism. Should we take steps that help fund anti-American terrorist states, particularly one that is just 90 miles away from the United States?

Mr. Chairman, right after 9–11 during the joint session of Congress, President Bush spoke to Congress and he said ''Either you are with us or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.'' And yet, we are discussing an amendment that would provide billions of dollars to a terrorist anti-American regime, just 90 miles away from the United States.

Mr. Chairman, I hear, well, but we do business with China. Mr. Chairman, there are seven nations on the list of terrorist countries: Iran, Libya, North Korea, Sudan, Syria, Iraq, I guess that one is no longer on the list, and Cuba, a terrorist, anti-American thug just 90 miles away from the United States. But yet I hear, well, but if he had money, if he only had money, he would change. He would be different. He would do really good things with the people of Cuba and also would become a friendly nation.

But, Mr. Chairman, what did Mr. Castro, that terrorist thug, do when he did have money, when the Soviet Union gave him the funds, the billions of dollars that now this amendment hopes to replace? What did he do? He had troops in Africa. He was helping terrorists in Africa. He had troops in Grenada, and the U.S. actually invaded Grenada to liberate those people and there were Cuban troops there, terrorist Cuban troops there supporting that Communist regime. He was helping to fight democracies in Latin America. He was funding troops throughout the world. That is what he did when he had money.

Those who say the embargo has not worked, it sure has worked for the interests of the United States of America, because that man is not doing what he was doing: exporting terrorism. Now, he is limited, he is limited. But this amendment wants to give him billions of dollars so he can do what he does best: terrorism, anti-American terrorist activities. This is amazing to me, Mr. Chairman, that we would be discussing it right now.

The gentleman from Massachusetts (Mr. DELAHUNT) said we cannot believe what Castro says. I do not believe, I would say to the gentleman, what Castro says. I believe his deeds. Yes, he says that he wants to get rid of the embargo. Yes, he says that he wants to get rid of the travel ban. And yes, he congratulates the gentleman from Arizona (Mr. FLAKE) and others when he helped him in doing that. But his deeds also show that, Mr. Chairman.

Here, for example, he has sent out hundreds of thousands of flyers to travel agents, spending thousands and thousands of dollars on glitzy brochures saying, please get rid of the travel ban.

□ 1515

No, the record is clear. Let us not fund anti-American terrorist 90 miles away. Let us not fund a person who has said in Iran that he wants to get the United States to be on its knees. Let us not fund an enemy of the American people 90 miles away. Let us not support this amendment. Let us stand tall with the Cuban people who want to be free. Let us stand with the President of the United States in his war against international terrorism.

The way to do that is not by helping Castro, which is what this amendment will clearly do.

Mr. FLAKE. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 11 minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 9½ minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of the Flake amendment which would prohibit funds in the underlying bill to enforce the current ban on travel to Cuba.

I believe it is the right of all Americans to be able to travel wherever they choose. It is unAmerican to prohibit our citizens from choosing where they want to travel.

And why? Why should we single out Cuba? We have a right to travel almost anywhere. This is clearly not about whether U.S. citizens should travel to an undemocratic or militarily repressive country. If that were true, then Americans would not be able to travel to countries such as China, Sudan, Syria, Iran, North Korea. And do you know what? Americans are able to travel freely to these countries. Yet, they are forbidden to travel to Cuba.

Thus, the real question is why do we continue to prohibit travel to Cuba? Why do we deny American citizens a right Cubans are denied in Cuba, to travel freely? Human rights activists Elizardo Sanchez and Vladimiro Roca have said it best, and I quote, ''Just as we insist on the right of Cubans to travel, to leave and return to our country freely, a right now denied to us, so do we support the right of Americans to travel freely, including travel to Cuba.''

The travel ban is an archaic part of our archaic foreign policy on Cuba. We are not defending the Cuban government or its poor human rights record, especially in light of the most recent crackdown on its dissidents. We must always speak strongly against the abuse of human rights in this world and hold these repressive governments accountable.

But Cuban dissidents regularly tell us that they oppose the travel ban because they believe American travelers would have a positive impact on Cuba. Further, Human Rights Watch reports that the U.S. embargo has not only failed to bring about human rights improvements in Cuba, it has actually, and I quote, ''become counterproductive to achieving this goal.''

Current U.S. policy towards Cuba hurts the 11 million innocent Cuban men, women and children who could benefit from our travel, our new ideas, our steadfast belief in democratic ideals, freedoms and way of life. We will not advance rights to the Cuban people by embracing a policy of isolation that has failed for 40 years.

Further, the more we normalize relations with Cuba, the faster Fidel Castro will lose his grip on the Cuban people. It has worked in Vietnam. It has begun to work in China, and it can work in Cuba.

Mr. Chairman, I urge my colleagues to support this amendment. Our policies have failed, and this is the right thing to do for the Cuban people.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), my good friend.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I just want to say to my colleagues, if you voted in favor of the Flake amendment in the past, I respectfully ask you today to reconsider your vote this year.

While I make no secret of the fact that I have opposed, and will continue to oppose, lifting the travel ban until all political prisoners are released and other modest human rights forums are initiated. Today is clearly not the time to be embracing an easement on travel.

The outrages of last spring, the brutal arrest, conviction and incarceration for up to 28 years of approximately 80 of Cuba's best and brightest and bravest is just the most the visible and the most recent act of hate and cruelty by Fidel Castro. For decades to come, these individuals, these reformers will now join approximately 400 other political prisoners in Cuba's infamous Gulags, which the U.S. State Department has described as ''harsh and life threatening'', where there is torture, physical and psychological. Don't get sick in one of those Gulags because if you do, you will likely not get medical treatment and your condition will be permitted to fester.

Just read the U.S. State Dept's Country Reports of Human Rights Practices for this year and see how horrific those conditions are. The treatment of political prisoners is a scandal.

Look at what the L.A. Times said recently, and I would quote them briefly. This is an editorial in the L.A. Times, ''After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes.'' Hit the brakes my colleagues. Do not liberalize and allow Castro to reep upwards of $5 billion of profit—money that goes directly into Castro's coffers. We need to hit the brakes and at least say, not now.

Reference was made earlier about how the gentleman from Virginia (Mr. WOLF) and I tried to visit Cuba. We were turned down. We wanted to visit prisoners. We wanted to see Dr. Biscet and others and do what the International Committee of the Red Cross cannot do. As we know, the ICRC has been denied, repeatedly, access to prisoners. We tried to do it, and we were turned down. And what did Fidel Castro say in one of his speeches? Because we wanted to go into the prisons and assess the situation firsthand we were ''provocateurs.''

Mr. Chairman, the gentleman from Virginia (Mr. WOLF) and I have visited many political prisons around the world, from Perm Camp 35 in the Soviet Union, when it was the Soviet Union, to China, Beijing Prison Number 1, where convicts from Tiananmen Square were being mistreated. I have even gotten into prisons in Indonesia, and met with East Timoree leader Xanana Gusmao, and yet we cannot get into Cuba. Yet, some Members want to lift the travel ban. Lifting the ban now sends a clear message to those who are suffering from Castro's hate and abuse that we do not care.

I know this is not the maker of this amendment's intention, but that is the message nonetheless, and I hope Members will vote no on this amendment. Stand with the oppressed in Cuba, not the oppressor.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman from Arizona (Mr. FLAKE) for yielding me time.

Let us face it. This is not a problem about Castro. This is a problem about us. We made this law. And this administration wants to enforce this law. This is not about Fidel Castro. This is about the present administration and Members of Congress.

It is very interesting that those who do not want to lift this ban are also exempt from it. Cuban-Americans, can travel freely back without our country's permission. And as Members of Congress, you can travel to Cuba, but you cannot do that as a regular American citizen.

What has this law done? Has it prevented Americans from going to Cuba? Absolutely not. It is estimated 100,000 Americans went to Cuba last year, 75 percent of them went illegally. Why are they going to Cuba? It is only 90 miles off our coast. That is probably why they are not going to Iraq and North Korea and other places which the President identifies as the axis of evil, and our government does not ban you from going there.

They are also fascinated by the history Cuba played in the American Revolutionary War. They are fascinated by a country that wins music Emmys. They are fascinated by a country and culture that produces good rum and cigars, yet it is illegal for Americans to drink that rum or smoke those cigars. It is illegal for Americans to have fun. That is what this law says.

It is so un-American. It is so unpatriotic. It is so unenforceable. What are we going to do? Put everybody who went down there to ride bicycles, to dance, to drink mojitos in jail? That is not what our country can do. We cannot enforce this law. And to say that nobody can travel there, and when they will go illegally you will stop that, what you are doing is stopping the legitimate travel of educators, of doctors, of people in professions that want to go to try to upgrade humanity.

Human rights organizations are certainly going to know more about the abuses in Cuba by sending people who are interested in human rights as good ambassadors. The law now does not allow that to happen.

This is a good amendment. I thank the gentleman from Arizona (Mr. FLAKE) for introducing it, and I urge that all of us pass this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. MENENDEZ), my good friend.

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

Mr. MENENDEZ. Mr. Chairman, I rise to strongly oppose the Flake amendment. I would like to make a series of points in response to some of what I have heard.

First, what the gentleman from Arizona (Mr. FLAKE) does is, in essence, invite lawlessness. It says that we will prohibit the Treasury Department from doing what the law says. It does not undo the law. It, in essence, prohibits the Treasury Department from enforcing the law. So this Congress would promote lawlessness.

Yes, it is illegal to travel to Cuba under certain circumstances, but we will look the other way. We will not allow that element of law enforcement within the Treasury Department to enforce our laws. What a slippery slope that is when we begin a process that says the law is the law, but we are not going to allow it to be enforced. What a slippery process that is.

To my dear friends who talk about the Soviet Union and how they fell because we went over there, the reality is the Soviet Union fell because they could not keep up with the arms race with the United States, and they decided internally on Glasnos and Perestroika. And when they unleashed those forces of opening, then the people of what was the Soviet Union began to move. But that crumbling began with from within, not from without.

I hear about failed policy, let me tell you about a failed policy. The failed policy is millions of visitors, millions upon millions of visitors from Canada and Mexico and Spain and other part of Europe and Latin America in the last decade and what has happened? Not one positive action towards democracy and human rights has taken place. That to me is a failed policy. It is a failed policy when prostitution flourishes inside of Cuba so that foreign tourists can take advantage of Cuban women. That to me is a failed policy.

It is a failed policy when we believe that by having millions of Americans go to Cuba and sun themselves on the beaches of Varadero, smoking a Cuban cigar, and sipping Cuban rum is the way in which we are going to liberate the Cuban people. What is incredible to me is the deafening silence of those who advocate these amendments, but when repression takes place in Cuba, they are virtually silent, and their silence is deafening.

I say that a vote for this amendment, particularly at this time, flies in the face of all of those who languish inside of Cuba who risked their liberty and their lives to make change within their country.

A vote to support this amendment is a vote to fund the Cuban economy and Cuban tyranny. A vote to support this amendment is a vote to support a regime that executed three men by firing squad after closed-door summary trials. A vote for this amendment is a vote to continue to fund the regime that brutally arrested and jailed over 75 activists this spring for doing nothing more than demanding human rights for their people.

A vote for this amendment is to say to those who languish in Castro's jails, we will go visit the beaches of Cuba, we will smoke the cigars that were mentioned here, but you will continue to languish in Castro's jail.

The Cuban government sentenced many of these innocent dissidents to 14 to 27 years in Cuban jails after holding one-day, closed-door summary trials. Our answer to that is, let us have a grand old time on Varadero Beach. That is our answer to all those who languish.

A vote to support this amendment is a vote to support the jailing of these activists who suffer without clean water, edible food, sanitary conditions and who languish in Castro's jails.

The tales emerging from their prison cells include allegations of beating, psychological torture, solitary confinement in jail cells infested with rats and scorpions.

□ 1530

The prison conditions are so deplorable that 15 Cuban dissidents who were jailed in the crackdown started a hunger strike to protest the inhuman conditions. In a letter explaining the protest, family members said that the

prison conditions had led them, the prisoners, to make the terrible decision to declare themselves on a hunger strike that compromises their health and, in many cases, even their lives.

So let us recall Raul Rivero, Miriam Leiva, Gisella Delgado and others that, in fact, their suffering and their languishing in those jails are responded to by us having more tourism.

Vote against this amendment. Vote against such an infamy and let us begin to speak up for those people who are risking their lives and liberty.

TRAVEL BAN AMENDMENT

To prohibit the use of funds to enforce the ban on travel to Cuba by U.S. Citizens.

Congress has already passed the law that supports the travel ban. This amendment would only create sloppy legislation. The amendment doesn't change the underlying law. Instead, the amendment would prevent Treasury from supporting the existing law.

The belief that Americans can change Castro through tourism flies in the face of evidence that millions of visitors from Canada, Mexico, Spain and other parts of Europe and Latin America visited Cuba in the last decade, without impacting one iota of positive change toward democracy and human rights.

Cuba Travel restrictions are constitutional, according to the Supreme Court [Regan vs. Wald 1984]. Other courts: the 9th Circuit 1996, and the 11th Cir. 2000, agreed.

Cuba has been on the list of state-sponsored terrorism since 1982 and remains on the list for supporting Foreign Terrorist Organizations, for providing safe haven to U.S. designated foreign terrorist organizations including the ELN and the FARC from Colombia. Cuba also continues to harbor fugitives from the U.S. justice system.

Due to the end of Soviet Subsidies and his disastrous economic policies, Castro is bankrupt. His lack of cash restricts his ability to engage or support anti-American actions around the world. Castro has used American tourist dollars to take the place of Soviet payments.

The money obtained from tourism is not invested to benefit the Cuban people. It is invested to reinforce a state security apparatus that is used in developing a tourism infrastructure which only benefits the government.

The tourism infrastructure doesn't benefit average Cubans. Instead, Castro sets aside hotels, beaches, stores, restaurants, even hospitals for foreigners, prohibiting Cubans from staying in those hotels and patronizing those facilities. American tourism under current conditions would freeze in place Castro's tourist apartheid.

The infusion of U.S. tourist dollars will provide the regime with a lifeline. Lifting the travel ban without securing meaningful changes in Cuba will: (1) Guarantees the continuation of the current totalitarian structures, and (2) Strengthen Castro's security forces.

AMENDMENT TO END THE EMBARGO

Why would members of Congress even suggest ending the embargo at a time when we are seeing the worst wave of repression in Cuba since right after the Revolution? The State Department calls this new wave ''the most despicable act of political repression in the Americas in a decade.''

A vote to support this amendment is a vote to fund the Cuban economy and Cuban tyranny.

A vote to support this amendment is a vote to support a regime that executed three men by firing squad, after closed door summary trials.

A vote to support this amendment is a vote to support a brutal government which arrested and jailed over 75 activists this spring for doing nothing more than demanding human rights for their people.

A vote to support this amendment is a vote to support this massive crackdown and Cuban style justice, or more accurately, injustice. The Cuban government sentenced these innocent dissidents to 14 to 27 years in Cuban jails after holding one-day, closed door, summary trials.

A vote to support this amendment is a vote to support the jailing of these activists who suffer without clean water, edible food, and sanitary conditions and who languish in Castro's jail. The tales emerging from their prison cells include allegations of beatings, psychological torture, solitary confinement and jail cells infested with rats and scorpions.

The prison conditions are so deplorable that 15 Cuban dissidents, who were jailed in the crackdown, have started a hunger strike to protest the inhuman conditions. In a letter explaining the protest, family members said that the prison conditions, ''have led them (the prisoners) to make the terrible decision to declare themselves on a hunger strike, which compromises their health and even their lives.'' While the names of the dissidents on the hunger strike have not been published, the letter in support of the strike was signed by the wife of poet and dissident journalist Raul Rivero (sentenced to 20 years in jail), Miriam Leiva, wife of economist Oscar Espinosa Chepe (sentenced to 20 years in jail), and Gisella Delgado, the wife of activist Hector Palacios (sentenced to 25 years in jail).

A vote to support this amendment is a vote to support the government that has jailed Oscar Manuel Espinosa Chepe. Mr. Chepe, a Cuban economist and independent journalist, was sentenced to 20 years in jail for criticizing the Cuban government. At age 62 Mr. Chepe, according to the Lawyers' Committee for Human Rights, is suffering from a chronic kidney condition, a thoracic hernia, persistent hypertension, and severe weight loss. The Cuban government refused to provide him with medical treatment. Only when he was near death and only after intense international pressure, was he transferred to a hospital.

A vote to support this amendment is a vote to allow funds to flow to the government that jailed Oscar Elias Biscet. Dr. Biscet founded the Lawton Foundation for Human Rights, one of the first independent civic groups in Havana. On February 27, 1999 he was arrested for hanging the national flag sideways at a press conference and was sentenced to three years in jail. After his release, he organized seminars on the Universal Declaration of Human Rights for Cubans. And he was arrested again in December of 2002 for organizing these seminars. In April of this year he was sentenced to 25 years in jail and sent to a special state prison.

A vote to support this amendment is a vote to support the jailing of Marta Beatriz Roque Cabello. She is an economist and director of the Cuban Institute of Independent Economists and is the only woman who was detained. She is the recipient of the 2002 Heinz R. Pagels Human Rights of Scientists Award of the New York Academy of Sciences. In April, she was sentenced to 20 years in jail for her opposition work. She is in acute pain, has nausea attacks and the left part of her body has become numb, according to the opposition news agency CUBANET. In spite of her pain, she must sit on a stool throughout the day since prisoners are not allowed to stay in bed during the daytime.

I'll say again, a vote to support this amendment is a vote to support the tyranny and brutality of the Cuban government. The embargo is our strongest weapon against the Castro regime. Vote, ''no''' to this amendment. Show the men and women who suffer in Cuban jails for the right to freedom that we stand with them in their fight for human rights, justice, and a county free of dictatorship.

Mr. FLAKE. Mr. Chairman, I yield myself 5 minutes.

I just heard that those who support this amendment were silent when Castro jailed over 80 dissidents in Cuba just months ago. I would remind the gentleman from New Jersey that the same individuals who are here in support of this amendment came to the floor and argued on behalf of the Diaz-Balart amendment condemning Castro for this action. So we have stood firm, the Cuba Working Group, and others who support this amendment against the atrocities that have happened there.

I also wanted to respond to whether or not this is a good use of taxpayer dollars to actually use these dollars to enforce the travel ban as opposed to actually wage the war on terrorism.

The Office of Foreign Assets Control at the Treasury Department currently spends between 10 and 20 percent of its resources actually enforcing the Cuba travel ban. This is the office charged with the task of tracking down al Qaeda money, to actually shutting down the international war on terrorism, the financial war; yet they are spending over 10 percent of its resources tracking down, in essence, grandmothers from Iowa who are going on a biking trip to Cuba or the gentleman from Washington who spent less than 24 hours in Cuba to scatter his parents' ashes at the churches they built in the 1950s. The man returned home to a fine, enforced by the Office of Foreign Assets Control.

I would submit that if we are serious about the war on terrorism then we will stop this charade of actually limiting Americans' ability to travel.

Let us stipulate that Fidel Castro is a bad guy. He is a horrible guy, he is a thug, I have said it many times from this podium; but our hatred for Castro should not cause us to punch ourselves in the face, and that is what we are doing in essence here, by imposing upon the American people a ban on their right to travel. We simply should not do that.

It has been mentioned through here that some of the dissidents actually support what we are doing and with regard to travel. I should note here that many do not. In fact, I would submit that a majority do not. As Oswaldo

Paya has mentioned, the leader of the Varela Project and leading democracy activist said, we appeal to all foreigners who come to our country as tourists to show solidarity, to take part in demonstrations to support the opening up of Cuba.

Members have mentioned that some people go to Cuba just to lay on the beaches of Varadero. This is certainly true. Some of them, however, go down to protest or some go down to take books to independent libraries. We do not know who is going to. We should not pretend that we know, and for us to pretend that we do makes us look like Fidel Castro. Let him do this.

It is often submitted that if we lift this travel ban that surely Fidel Castro will impose his own. I have no doubt that he will, that he will try to limit those who are coming down to Cuba. He will try to determine who is a sunbather and who is a protestor. That is a policy befitting of Fidel Castro. It is not a policy befitting of this great country.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me the time, and I want to point out that I find it somewhat ironic that when we speak of the wives of Oscar Chepe and Hector Palacios, prominent leaders in the dissident movement in Cuba who are currently incarcerated in Cuban jails, for whom my colleague and I and members of the Cuba Working Group have advocated strenuously for their release and will continue to do so, that when references to their spouses are made, it is left to be suggested that they support the ban on travel, when the contrary is true.

Let me quote from Miriam Leiva, the wife of Oscar Espinosa Chepe: ''The visits of hundreds of thousands of North Americans to Cuba could contribute to the exchange of ideas and the progress of democracy.'' I know we all share that. Let us support this.

Mr. FLAKE. Mr. Chairman, I reserve the balance of my time.

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

Just a few points to clarify. Let us be clear, to remind our colleagues, for example, of who Dr. Oscar Elias Biscet is. There is no one more respected in Cuba today than Dr. Biscet. Dr. Biscet, because he is so respected by the Cuban people, has been sentenced to 25 years in the gulag. Dr. Biscet says that it would be unconscionable to lift the embargo, to alleviate the embargo in any way and to send the resources to the dictatorship.

This young man Antunez is serving 18 years because ever since he has been in high school he has been fighting for democracy in Cuba, and he says it would be unconscionable to send resources to the dictatorship.

Let us be clear and on and on, Marta Beatriz Roque, the leaders who represent the Cuban people, who are in prison, do not want resources sent.

The gentleman from Arizona (Mr. FLAKE), who keeps on saying that he knows that the dictator is a bad guy but he keeps on introducing amendments that would have the effect of sending billions of dollars to the dictator, has said this time that the dictator, and others have said, that he should not be believed, the dictator should not be believed when he says, yes, I want billions of dollars, I want billions of dollars. Imagine if the Flake theory would hold and every enemy of the United States now received billions of dollars from the United States because they are enemies of the United States and they cannot be believed because since they are really enemies of the United States, but we cannot believe enemies of the United States, it is good to send them billions of dollars. Imagine that theory.

Imagine that theory. That is the Flake theory and of the United States, billions of dollars. Do not believe enemies of the United States, billions of dollars. Let us vote down this amendment; and let us stand with the people in the Cuban prisons, and let us vote to support the sanctions until there are free elections in Cuba, Mr. Chairman.

Mr. FLAKE. Mr. Chairman, has all time expired for the other side?

The CHAIRMAN. The gentleman from Arizona (Mr. FLAKE) has 2 minutes remaining, and the time of the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has expired.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of the time.

I appreciate the comments from the other side. I would maintain that none of us really know when Fidel Castro is telling the truth and when he is not.

I do not think that we should pretend that we do. I do not think we should even try. Therefore, we simply ought to adopt a policy that is right and consistent with our objectives. That is what ending the travel ban is all about. It is doing what is good policy regardless of whether we think Fidel Castro supports it or whether he does not.

I should mention there are others that have called for an end to the travel ban, other dissidents. Oscar Espinosa Chepe has been cited here a couple of times. This is a man I met just weeks before he was imprisoned in what for him may be a life sentence. He said, ''When the travel of Americans to Cuba is approved, the struggle for democracy and freedom will by no means end. To the contrary, these measures create better conditions to achieve these objectives.''

That is what we are trying to do here. We are trying to comport with the wishes of the dissident community in Cuba and to do what is right for us as well, to lift the ban on Americans to travel.

We need today to strike a blow for freedom. We can do that by allowing Americans to travel freely as they wish.

If it is freedom that we want for the Cuban people, let us start by exercising a little more of it ourselves by allowing our citizens to travel to Cuba and to take their values with them.

Mr. FARR. Mr. Chairman, I rise today in strong support of the Flake amendment regarding the Treasury Department's limitation of the right of Americans to travel.

This amendment is based on a core principle—that the policy of limiting the right of ordinary Americans to travel to Cuba, is an infringement of all Americans' right to travel anywhere they want at any time they choose.

Nevermind that the U.S. Cuba policy has been an outright failure for the last forty years. Nevermind that the travel ban prevents American businesses from creating jobs in Cuba and the United States, that it prevents Americans from sharing their best ideas and ideals with a close neighbor; and it does nothing to advance the cause of freedom and social justice.

The travel ban runs counter to the core Constitutional concept that the American right to travel is an absolute and non-negotiable right, a reflection of the free and open nature of our society.

If you believe in our constitutional rights, if you believe in the power of travel and trade, if you believe our citizens are the best ambassadors of American values, and if you agree with President Bush that engagement is the engine of liberty—then we need to pass this amendment legislation to legalize travel by Americans to Cuba.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Flake Amendment to end the unnecessary and counterproductive ban on travel to Cuba, and I want to recognize and applaud both Mr. FLAKE and Mr. DELAHUNT for their outstanding leadership on this issue and the agenda of the House Cuba Working Group. In fact, I am a proud sponsor of H.R. 2071, the Working Group's Export Freedom to Cuba Act, which would accomplish the same objective as this amendment, and would allow travel between the United States and Cuba. I have long supported normalizing relations with Cuba and frankly, Mr. Chairman, find it embarrassing that our policy has remained unchanged and stagnant in the 26 years since I first got involved in efforts to normalize relations. I wonder when the Administration will realize that November 9, 2003 marks 14 years since the end of the Cold War.

Americans do not need a license to travel half-way around the world to North Korea, Iraq and Iran, but the ''dangerous'' island nation of Cuba 90 miles off the coast of Florida requires stricter regulation. This policy seems particularly absurd when there is bi-partisan, bi-cameral support to end the embargo; most Americans oppose the trade and travel ban. Even Cuban Americans are divided on the issue.

In 2000, a Florida International University poll showed that 63 percent of Americans nationally and 75 percent of Americans of other than Cuban descent in Miami-Dade favor unrestricted travel to Cuba. We constantly seem to be moving backwards in our foreign policy, when our constituents are saying the opposite. Where is the logic in punishing Americans? A significant number of Representatives from both sides of the aisle actually agree on ending the travel ban. However, we are still unable to normalize travel and trade. In 1999 we granted permanent normalized trade relations

to China, but are still unable to travel and trade with Cuba freely. Whether or not other nations agree with the practices of the Cuban regime, they believe that our policy is ridiculous and outdated.

Mr. Speaker, the obsession with Cuba is two-fold: Those who support the travel ban are driven by 44-year-old memories of the revolution. Americans, who are eager to travel, are drawn to the rich, vibrant Cuban culture. Along with most of my constituents, I belong to the latter group which believes that we have much to learn from each other.

The Oakland City Council in 1998 passed a resolution to eliminate the trade sanctions against Cuba and the Bay Area has numerous sister-city relations with Cubans; these exchanges benefit students, arts initiatives, encourage humanitarian projects and research sharing for important diseases like HIV/AIDS, kidney failure and high blood pressure.

Farmers across the country are eager to engage in trade with Cuba as the U.S. economy continues to plummet.

The recent elimination of the people-to-people category, within the OFAC regulations, proves again how the administration is more concerned with maintaining a grudge than reinstating the American right to travel.

Mr. Chairman, not only does the travel and trade embargo undermine and contradict the values upon which our great country is based, but they are also very costly and logistically difficult to administer between the Departments of State, Treasury, and Commerce. We should not be persecuting Americans who are guilty of nothing more than a sense of curiosity and eagerness to learn and explore our island neighbor, Cuba.

Vote ''yes'' to promote democracy, vote for Americans freedom to travel, vote for the Flake amendment.

Mr. WELDON of Florida. Mr. Chairman, since the early 1960s, U.S. policy towards Cuba has consisted largely of isolating the island nation through comprehensive economic sanctions. In addition, these sanctions were made stronger with the 1992 congressional approval of the Cuban Democracy Act (CDA). I feel strongly that it has never been in our nation's best interest to recognize countries in our hemisphere that rebel against the ideas and freedoms we hold so dear. Some people feel that it is time to lift these sanctions.

I believe it is important to uphold the principles of democracy and freedom, human rights and liberty for which our Founding Fathers fought so hard. All peoples—including Cubans—have the right to enjoy these basic, inalienable rights as well. It is my understanding that once again, recently, the Cuban dictatorship took aggressive action to stifle the efforts of freedom-loving Cubans. Today is not the day to reward this repressive behavior. I urge my colleagues to reject the Flake-Delahunt-Davis Amendment.

Today's proposed amendments, which would open the floodgates of American dollars to the Castro dictatorship, would only prolong and strengthen the dictator's grip on the people of Cuba. To allow the American travel industry to engage Castro would send the worst of all messages to the freedom-seeking Cuban dissidents who rely on the United States not to give into this regime.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

AMENDMENT NO. 14 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mrs. MALONEY:

At the end of title II insert the following new section:

SEC. 213.(a) IN GENERAL.—None of the funds appropriated by this Act may be used to assess or collect any tax liability attributable to the inclusion in gross income of amounts paid (from funds referred to in subsection (b)) to any person as assistance on account of any property or business damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001.

(b) FUNDS.—The funds referred to in this subsection are amounts appropriated by—

(1) Public Law 107–206 under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, Community Planning and Development'',

(2) section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Public Law 107–73),

(3) amounts appropriated by Public Law 107-38 and designated by the President for community development block grant purposes, and

(4) amounts appropriated by Public Law 107-117 for the Community Development Fund under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, COMMUNITY PLANNING AND DEVELOPMENT, COMMUNITY DEVELOPMENT FUND''.

(c) COORDINATION WITH CERTAIN MEANS-TESTED PROGRAMS.—None of the funds appropriated by this Act may be used to treat amounts to which subsection (a) applies as income or resources for purposes of—

(1) the United States Housing Act of 1937,

(2) title V of the Housing Act of 1949,

(3) section 101 of the Housing and Urban Development Act of 1965,

(4) sections 221(d)(3), 235, and 236 of the National Housing Act,

(5) the Food Stamp Act of 1977, and

(6) the Social Security Act.

The CHAIRMAN. Pursuant to the order of the House of September 4, the gentlewoman from New York (Mrs. MALONEY) and a Member in opposition to the amendment each will control 5 minutes.

Mr. ISTOOK. Mr. Chairman, I wish to reserve a point of order on the amendment.

The CHAIRMAN. The gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to thank my colleagues for their leadership on behalf of New York following the tragedy of 9/11.

I have never seen Congress so united and determined. We responded with a national commitment to help New York City rebuild. Part of this rebuilding effort was Federal grants to businesses and individuals in Lower Manhattan near Ground Zero.

Just yesterday the New York Times wrote of problems getting all of the aid to those who needed it most. But what is more disturbing is that after deserving victims of 9/11 got the aid, the IRS in a surprise announcement decided to take part of it away in taxes.

Many grant recipients accepted the aid and spent every penny, not knowing that they would have to pay taxes on it.

It is just unfair for these cash-strapped businesses and individuals to take another financial hit, a financial hit that the Joint Committee on Taxation estimates to be $268 million.

The IRS is taking back $268 million in Federal aid that the President pledged to New York City. This IRS decision has also had a ripple effect on other Federal benefits that survivors of 9/11 may receive.

Since many agencies rely on the IRS decision and definition of gross income, some recipients' eligibility for programs like Medicare, Medicaid, and Social Security may be in jeopardy.

The amendment that I am offering today with my colleague from New York (Mr. NADLER) would bar the use of any of the funds for 1 year for the IRS to enforce the decision to collect taxes on these grants to Lower Manhattan. After all, the Federal Government is supposed to be sending aid to disaster victims, not taking it away.

Taxing the grants violates the spirit of Federal disaster aid. This is not the first action that I and others have taken to right this wrong. Actually, it is the latest in a series of actions.

Along with others in the New York delegation, we have written IRS, the Secretary of Treasury, we have written the President, Speaker HASTERT, and the leadership of the other body.

I have introduced bipartisan legislation. The Committee on Ways and Means is aware of the problem. The Congressional Research Service has done a memo. I have gone before the Committee on Rules seeking to add it as an amendment to H.R. 1308. And I am on the floor today with this amendment.

I ask my colleagues, who have the ultimate authority to decide who gets taxed, for their help. I am confident that it was never this Congress's intent to tax this disaster aid.

Making this amendment subject to a point of order means that this Congress has made a decision to continue to tax this 9/11 aid 2 days before the second anniversary of these attacks.

Mr. Chairman, I call upon my colleagues to support me with this amendment. It is fair. It was the intent of Congress.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong support of this amendment that the gentlewoman from New York (Mrs. MALONEY) and I are offering, which corrects an incredible injustice faced by some victims of the 9/11 attacks.

Shortly after the attack, which occurred in my district on September 11, Congress moved quickly to ease the economic suffering of businesses and residents in Lower Manhattan.

Over $3 billion was appropriated through the Community Development Block Grant program specifically to assist residents and businesses in Lower Manhattan through a variety of grant programs to try to recover from the tremendous economic damage inflicted by the terrorists.

While such programs could never make these individuals and businesses whole after the devastating losses they suffered, these funds are an important first step in, and my constituents are truly grateful to the country for coming to their aid.

Incredibly, the Internal Revenue Service has announced that much of this money is subject to Federal taxation, effectively withdrawing some of the aid after it has already been given.

□ 1545

When we appropriated these funds in this House, it was incomprehensible that the Federal Government might provide assistance with one hand and take it away with the other. These funds are not profit. They are not income that should be taxed. They are funds intended to begin to defray some of the damages incurred by these businesses which were closed for months because guards stood on Canal Street saying ''You cannot go to these businesses. You cannot pass here.''

The aid that these businesses are getting are a tiny fraction of the economic damage they suffered because of the terrorists. Twenty percent have already closed their doors. Twenty percent of the small businesses in Lower Manhattan have gone bankrupt because of the inadequacy of the aid that we gave them to make them whole from the terrorists, and now we are taking away some of the money that we gave them.

Recipients of these funds were never asked to prepare a budget with the prospect of paying taxes on it in mind. Already near financial ruin, to place further economic demand on their budgets is simply cruel. This is an issue of fairness and common sense and decency to the people who took the hit for this country. I do not believe that anybody on either side of the aisle who voted for the economic aid to try to help the victims of the terrorism anticipated this taxation, and we ought to get rid of it.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I raise a point of order against the pending Maloney amendment No. 14 to H.R. 2989 on the grounds that this provision violates clause 5 of House rule XXI because it proposes a limitation on funds in a general appropriations bill for the administration of a tax or tariff.

The gentlewoman from New York is seeking to change existing law and prohibit taxes from being collected on payments made to those affected by the September 11 terrorist attacks. While, Mr. Chairman, we certainly all have tremendous sympathy for those who suffered losses from this tragic event, we should not be using appropriation bills, or seeking to use them, to establish new tax policy concerning payments to them or to any other individuals.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mrs. MALONEY. Mr. Chairman, I do.

I very much respect my colleague's point of order, but could the gentleman please tell me how and when is this Congress going to act to return the hundreds of millions of dollars in aid promised to them after 9/11?

We have legislation before this House; we have been before the Committee on Rules with amendments trying to attach this to other legislation. We know that many on the other side of the aisle are calling for permanent tax relief in certain areas. We are asking for tax relief for the victims of 9/11.

It was truly not the intent of this Congress to tax their aid benefit packages. In fact, the IRS did not even tell them they were going to do this until the last minute. Most of them spent the money and now are in trouble taking out loans to repay. And, really, when they got the grants, they were well below what they lost. Now to come back and tax roughly a third of the grant is terribly unfair.

So I respectfully ask my colleagues, When will we be able to act on this legislation and return hundreds of millions of dollars in aid promised to the victims of 9/11?

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. NADLER. Mr. Chairman, I do.

I would agree, obviously, with what the gentlewoman from New York, my coauthor of this amendment, just said. We have tried every different way.

The aid to small businesses is roughly about $539 million. This tax is taking it back about $268 million. I will concede that technically the point of order may stand, but the Committee on Rules of this House routinely waives all points of order; routinely waives most points of order. I would appeal to my colleague to withdraw his point of order. I appeal to my colleague to exercise discretion and not press his point of order so as not to victimize the victims a second time. Because that is what we are talking about here.

We have tried, the gentlewoman from New York and I and others in the New York delegation, to try to press this point to the Committee on Rules, in separate legislation, and to the IRS. I do not believe anybody anticipated that someone might come along and say this aid should be taxed. We would have put a sentence in the initial aid legislation 2 years ago, no one would have opposed it, and that would have been that.

No one anticipated this. This was completely shocking. No one anticipated the IRS would say that this money, which was a small recompense, with the average aid being about 10 to 15 percent of the loss, there is no profit or income here, it is 10 to 15 percent of the economic loss; but no one anticipated this would be taxed, so I urge that the point of order be withdrawn

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. ISTOOK. Yes, Mr. Chairman, I do.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Oklahoma raises a point of order against the amendment offered by the gentlewoman from New York for violating clause 5(a) of rule XXI. Clause 5(a) provides a point of order against amendments proposing limitations on general appropriation bills for the administration of a tax or tariff.

The amendment offered by the gentlewoman from New York proposes a limitation on a general appropriation bill for the assessment or collection of tax liability attributable to the inclusion of certain economic assistance in the taxpayer's gross income. The amendment therefore imposes a limitation on funds for the administration of a tax in violation of clause 5(a) of rule XXI. The point of order is sustained.

The amendment is not in order.

AMENDMENT NO. 2 OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DELAHUNT:

Page 157, insert the following after line 2:

SEC. 742. None of the funds made available in this Act may be used to enforce any restriction on remittances to nationals of Cuba or Cuban households, including remittances for emigration expenses, covered by section 515.570 or 515.560(c) of title 31, Code of Federal Regulations, other than the restriction that remittances not be made from a blocked source and the restriction that no member of the payee's household be a senior-level government official or senior-level communist party official.

The CHAIRMAN. Pursuant to the order of the House of September 4, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) and a Member in opposition to the amendment each will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment, Mr. Chairman. It does exactly the same thing as the one that I and the gentleman from Arizona (Mr. FLAKE) and

others offered last year and which passed the House overwhelmingly. It prohibits enforcement of the cap on remittances that can be sent to families in Cuba.

Not many people, I believe, are aware that an aspect of current policy regarding Cuba imposes limits on family charity. Let me just say that again. It is American policy to restrict the amount of financial support that Cuban Americans can send to their families on the island. U.S. law prohibits Americans from giving more than $1,200 a year to their Cuban families. I would suggest that this is shameful, especially for a Nation of immigrants like we have here in the United States.

Is there anything that defines American history or our heritage more than a first-generation family sending money back to the old country to buy food or medicine or clothing for loved ones in need? Such assistance is particularly critical in Cuba. Dollars from American relatives can make a huge difference in the quality of life for a Cuban family. One would think that American policy would be to encourage family assistance; but instead, the law, our law, views Cuban Americans who give too much help to their families as common criminals who can be fined up to $55,000 and sentenced to up to 10 years in prison.

Now, as the Treasury Department will readily tell us, the limits on remittances are rarely enforced. And after the House spoke so clearly last year on this particular amendment, the administration began to allow Cuban Americans who visit the island to bring more money with them. I think the amount is some $10,000, although it did retain the $1,200 limit per household per year. So I would suggest or conclude that even the White House recognizes that this policy is a pointless charade, which begs the question: Why have any limits on remittances at all?

It is important to understand this policy does nothing to hurt the Cuban Government. Nothing. Instead, it punishes American citizens by forcing them to violate the law, and as we have heard elsewhere today, causes disrespect for the rule of law. And it punishes their relatives in Cuba by denying them the opportunity for a better life because, and it cannot be repeated often enough, this money does not go to the Cuban Government. Remittances are direct aid to families in Cuba from ordinary people who care to ordinary people in need.

It is the official policy of the United States that you should only do just so much. This is wrong and it is unacceptable. Last week, President Bush said, and I am quoting him, ''Millions of acts of decency and kindness help define the true worth and the true strength of this great American Nation.'' We all agree with those sentiments. Our government should never seek to limit the kindness and the decency of the American people.

Ending the limit on remittances is one of the most kind and decent things we can do for the people of Cuba and for Cuban Americans here in the United States. We should do this. Support this amendment.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise to claim the time in opposition, and I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my colleague from Florida for yielding me this time, and I rise in opposition to the Delahunt amendment.

While well-intentioned, in practice this amendment would only serve as yet one more vehicle for the regime to get its hands on much-needed and much-valued hard currency. The goal of the existing controls on remittances is so that the average Cuban, who is denied access to basic necessities by the regime, in order for the dictatorship to provide it to foreign tourists, it is so that that average Cuban receives sufficient funds to survive.

Let me reiterate that the goal of the existing controls is to help the average Cuban receive funds for his needs. Certainly Castro does not care for his needs.

The amount has been carefully calibrated and reviewed at this moment, taking into consideration the purchasing power of the U.S. dollar relative to the economic realities on the island, the same realities and economic context which has prompted this Chamber time and time again, Mr. Chairman, to limit microcredit lending to small amounts benefiting the poorest of the poor. And they apply to the controls currently in place with respect to remittances in Cuba.

Removing the financial caps, as the Delahunt amendment seeks by prohibiting their enforcement, means more money for the corrupt regime to pocket. In removing all but one of the controls on the recipients of these remittances, the amendment creates an opening for individuals involved in illicit activities, for example, to receive U.S. currency. This amendment removes the safeguards that have been put in place and that are aimed at ensuring that transactions benefit those in need and cannot be manipulated by a terrorist regime starved for foreign currency.

In practice, this amendment redirects some of our U.S. currency flows to Cuba, which in turn the dictatorship can direct towards its friends, that is, rogue states such as Iran, Libya, and Syria. Denying terrorists and their sponsors the resources to continue their activities has become a critical pillar of U.S. policy in the aftermath of the deplorable acts of September 11.

If we really want to help the Cuban people, then deny their oppressor and vote ''no'' on the Delahunt Amendment.

□ 1600

Mr. DELAHUNT. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for bringing this important amendment forward. We should not be in the business of limiting family charity. We should not tell Cuban Americans in this country how much they can send to their families in Cuba.

As the situation now is, individuals in Cuba are only given a certain amount that they can get through the government ration card. That does not allow for some to have meat in their diet. Allowing individuals to send money to their families simply allows that basic necessity. Unless there is a child under the age of 7, for example, you are denied milk. There is no powdered milk available for families without children under 7. This allows Cubans as a humanitarian gesture to obtain that.

Also, it should be mentioned, this is rarely enforced. I doubt anybody in opposition to the amendment believes that families sending in excess of $1,200 a year ought to be prosecuted. If we want respect for the law, let us bring the law into conformity with what is happening on a humanitarian basis.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I have great respect for the gentleman from Massachusetts (Mr. DELAHUNT), and we are working on a series of crucial issues in Latin America; but I have a fundamental disagreement with the gentleman certainly on the issue of Cuba and particularly on this amendment.

My two points that I want to make, number one, we hear a lot about Cuban-American families and their families in Cuba, and those of us who are Cuban Americans struggle with this all the time, the desire to help our families, at the same time propping up a regime that oppresses them.

But the amendment goes beyond that because the law permits remittances from non-Cuban Americans, from ordinary Americans who have no relationship to Cuba whatsoever, to make remittances into any Cuban individual inside of Cuba. Now that means that the potential for unlimited amounts of money by nonfamily members having no relationship with Cubans on the island to send monies into Cuba would be unlimited.

And when we know of Castro's history of his support of terrorism, of his harboring fugitives from the United States, imagine those who support those who think about that in our own country being able to send U.S. dollars into Cuba without restriction as to amounts or process, not for Cuban families, but ultimately for those who wish

us harm. That is the risk with the gentleman's amendment and that is the law of the land today. We, in fact, as Americans, can send money into Cuba, and you do not have to have any family inside of Cuba. To now permit unlimited amounts of that happening is against the national interest of the United States and the national security of the United States.

Finally, I would point out that yes, this does help the regime because not only can nonCubans send money, but at the same time what does Castro do, in order to be able to grab those dollars and for him to control its use inside of Cuba, the only way those dollars work are at government dollar stores which are at inflated prices and in essence, gouge the Cuban people. He does get the money and resources, and he gouges the Cuban people in doing so, but it is their only remedy under this totalitarianism. So ultimately, yes, the regime gets the money we are sending. Sending unlimited amounts without limitation and sending it to dollar stores inside of Cuba does not make sense. The amendment does not make sense.

Mr. DELAHUNT. Mr. Chairman, what is the time remaining?

The CHAIRMAN pro tempore (Mr. SESSIONS). Both the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) have 2½ minutes remaining, with the gentleman from Massachusetts (Mr. DELAHUNT) reserving the right to close.

Mr. DELAHUNT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

(Ms. SOLIS asked and was given permission to revise and extend her remarks.)

Ms. SOLIS. Mr. Chairman, I am very proud to be a cosponsor of this amendment that would end the limit on remittances that Americans can send to households in Cuba.

I had a chance to visit Cuba, and I met several people there doing business on their own. I met a taxi driver, and I asked him a lot of questions. One of the things he told me was yes, he has to give a portion of that money to the government, but much of it stayed with him. I said, Really, how is that done?

He said that is how it is done. He pulled out a wad, maybe this thick, of dollars. And this is what is going on right now in Cuba. There is nothing wrong with that. This young man, in my opinion, was very happy that tourists like myself and others were able to visit and spend our dollars.

And yes, there are people right now who would love to send not only dollars but medical equipment to Cuba to help those that are ailing; but because of restrictions, we cannot do that. We cannot do that through normal channels. We are hurting the Cuban people, not the government, but the people. In my opinion, $300 every 3 months is not enough. $1,200 a year is not enough. $100 a month does not do it. I would say that we need to support this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, just to respond to the gentlewoman from California (Ms. SOLIS), Cuba does receive medical equipment. The U.S. can send medical equipment. The gentlewoman might want to look at the law before she speaks in front of us.

Mr. Chairman, nobody wants to help the Cuban people more than the families of those Cuban people. And by the way, no one wants to help those people more than those Members who represent the families of those Cuban people here in Congress, and a few of us represent the bulk of them, the gentleman from New Jersey (Mr. MENENDEZ), the gentlewoman from Florida (Ms. ROS-LEHTINEN), the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and myself, and we get elected by those family members that these Members of Congress are saying that they want to help.

But what they understand is there is only one solution for the suffering of the Cuban people, and that is getting rid of the anti-American terrorist dictator, Fidel Castro. When we send more money that has to be sent to the government stores and goes to the government coffers so they can further their terrorist activities, that does not help the United States of America. It makes no sense to help fund a terrorist regime.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, debate has been brief, but I think informative on this matter. The reality is that every dollar that is sent in remittances is spent in stores. Since the economy is owned by the regime, the stores are owned by the regime. So obviously this is a delicate issue in the sense that many people obviously send remittances to their families knowing that their families have to spend the remittances in the dollar stores, and thus the remittances will end up in the hands of the regime that oppresses the Cuban people, including the families that receive the remittances.

But since it is a terrorist regime that engages in terrorist activities in addition to repression of its people, that is why these regulations, this balance, is in place. So again, there is a pattern here. The pattern is let us increase revenues to this dictatorship. Notice we are seeing on the floor today measures to increase revenues to the dictatorship. Whether they come on the floor and say the dictator is a bad guy, look at the actions. What are the effects of these amendments, to increase revenues for the dictatorship?

So we should vote down these amendments and take further steps. For example, when we asked in the resolution that has been alluded to before that the prisoners be released and elections be held, not one prisoner has been released, much less has an election been held. Let us insist on what we asked for, and not help the regime.

Mr. DELAHUNT. Mr. Chairman, I yield myself the balance of my time.

I agree with the gentleman, those prisoners should be released, and we will continue to work hopefully to secure their release. At the same time, the gentleman cannot deny the level and magnitude of the human rights abuses in Saudi Arabia, and we have to be equally as ardent and vociferous in our condemnation on what occurs in that society. We have to have a policy that is devoid of hypocrisy.

Let me go to the amendment very briefly. The reality is that Cuban Americans who travel to Cuba, and there are many of them and they go there frequently, they pour out of the Jose Marti Airport and embrace their relatives there. And the reality and truth is they do bring dollars with them far in excess of $1,200 a year, and I know if I had family in Cuba, I would do the same because family is first.

I recognize the Cuban community and the Cuban-American family believe in a sense of fairness. This is not to increase revenues for any government, it is to take care of people, families. When you are in Cuba and you are there and you are visiting not just with dissidents but ordinary Cubans, they tell you this is a life line to survive, and that is why we bring this amendment to legitimatize what is going on. We know the Treasury Department does not enforce this particular remittance, but it is to legitimatize the reality and support families everywhere.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DELAHUNT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) will be postponed.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 742. None of the funds appropriated by this Act may be used to assist in overturning the judicial ruling contained in the Memorandum and Order of the United States District Court for the Southern District of Illinois entered on July 31, 2003, in the action entitled Kathi Cooper, Beth Harrington, and

Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation (Civil No. 99-829-GPM).

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this tripartisan amendment is cosponsored by the gentleman from California (Mr. GEORGE MILLER) who is the ranking member of the Committee on Education and the Workforce, the gentleman from New York (Mr. HINCHEY), the gentleman from Illinois (Mr. EMANUEL) and the gentleman from Minnesota (Mr. GUTKNECHT). This amendment also has the strong support of the AARP, the largest senior citizen group in this country representing over 35 million Americans, it has the support of the Pension Right Centers, and the IBM Employees Benefit Action Coalition.

This amendment is simple and straightforward. Five weeks ago, the Federal District Court for the Southern District of Illinois ruled that IBM's cash balance pension conversion violates Federal age discrimination law. The conversion, Judge Murphy found, violated the age discrimination provisions of ERISA because it discriminates against older workers.

□ 1615

This court decision confirms what millions of American workers have been saying for years and what hundreds of Members of Congress have also gone on record as stating. Conversions to cash balance pension plans discriminate against older workers, are illegal and must not be allowed to happen. This amendment would simply prevent the Federal Government from using any funding to assist in overturning the Federal district court ruling. That is what this amendment does.

By passing this amendment, we would not only be upholding the law, which is the least we can do, but we will also be standing with millions of workers who have lost, and are in danger of losing, 20, 30, 40, 50 percent of the pensions that they have been promised by their employers.

Mr. Chairman, why did Judge Murphy rule against the company and decide in favor of IBM employees? Let me just read a brief excerpt of what he wrote:

''In 1999, IBM opted for a 'cash balance formula.' The plan's actuaries projected that this would produce annual savings of almost $500 million by 2009. These savings would result from reductions of up to 47 percent in future benefits that would be earned by older IBM employees. The 1999 cash balance formula violates the literal terms of the Employee Retirement Income Security Act, that is, ERISA. IBM's own age discrimination analysis illustrates the problem.'' That is from Judge Murphy.

Mr. Chairman, I became involved in this issue several years ago when many hundreds of IBM employees in Vermont contacted my office and told me that the pensions they had been promised by the company had been cut by 30 to 50 percent. Imagine that. Workers staying at a company through good times and bad times, providing loyalty to their employers, and then one day the company sends out a message which says, in so many words, thank you for your years of dedicated service, but forget about the promises that we made to you regarding the retirement that you and your family were anticipating. Thank you very much, but we've changed our minds, we've pulled the rug out from underneath you, we're cutting your pensions by up to 50 percent.

Yes, IBM had enough money to pay out a $260 million compensation package to former CEO Lou Gerstner, $260 million to one man, but they just could not keep their word to their long-term, dedicated employees. And, of course, it is not just IBM that we are talking about today. It is hundreds of companies that have done exactly the same thing. It is companies that have broken the law, discriminated against older American workers and slashed the pensions that those workers were promised.

Mr. Chairman, it is no secret that the middle class in this country is hurting. Americans are working longer hours for lower wages. Their health benefits are being cut. Corporate America has thrown millions of American workers out on the street as they move our manufacturing sector to China, to Mexico and anyplace that they can find where they hire people for pennies an hour. Meanwhile, in many instances, the CEOs of these very same companies make out like bandits.

Mr. Chairman, a segment of corporate America have destroyed American jobs, destroyed health care benefits and now they want to destroy the pension benefits that were promised to their workers. We must not allow that to happen. Even corporate America, even major campaign contributors, even folks who can spend huge sums of money by placing full-page ads in the New York Times and elsewhere, even those people have got to obey the law. That is what this amendment is about. It is about obeying the law and not engaging in actions that violate Federal age discrimination statutes. In our country, we have come a long way by ending discrimination based on race, gender and disabilities. And today we have got to make it crystal clear that we will not allow discrimination against older American workers. We will not allow the Treasury Department to use taxpayer dollars to support age discrimination.

Mr. Chairman, let us not forget that companies with defined benefit pension plans receive $89 billion a year in tax breaks to set up pension plans for their workers. Out of all of the tax breaks that companies in America receive, the tax break for pension plans is far and away the most generous. Congress and the Federal Government should not be providing taxpayer dollars for companies to commit age discrimination against its workers.

Mr. Chairman, it is very important for the House to support this amendment today. It is important, Mr. Chairman, because despite the fact that cash balance conversions have been found to be illegal in the courts, the Treasury Department is still pushing proposed regulations that, if enacted, would give the green light to these very same cash balance pension plans that the Federal court has ruled are illegal. Clearly, the Treasury Department is intent on pushing these illegal conversions by all means at its disposal, and we must not allow that to happen.

Mr. Chairman, just last year, over 300 Members of the House voted to require the Treasury Department to protect older workers in cash balance pension conversions. I thank all of them for their support for older American workers. In addition, over 200 Members of Congress recently wrote a letter to urge President Bush to withdraw the proposed cash balance regulations that are at issue here. Today we have the opportunity to once again show our support for American workers and oppose a plan which is unfair, immoral and illegal. I urge strong support for this amendment.

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

Mr. ISTOOK. Mr. Chairman, knowing no other Member to do so, I will claim the time in opposition, although I do not intend to speak on the amendment myself, but I will claim it for the purpose of yielding to any other Members that may wish to do so.

The CHAIRMAN pro tempore (Mr. SESSIONS). Is the gentleman seeking time in opposition?

Mr. ISTOOK. I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman reserves the balance of his time.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Let me just tell my colleagues how I came into this issue in the State of Vermont. I came into this issue when, several years ago, my phone lines bounced off the hook because large numbers of workers at the Vermont IBM plant in Essex Junction, Vermont, suddenly learned for the first time that the pensions that had been promised to them were going to be cut substantially and in some cases by up to 50 percent.

I became involved with these workers who stood up and said to the company, you made us a promise and when times were bad, we stayed with you, we didn't go someplace else. One of the reasons that we stayed with you is because you

had promised us a certain pension that we were basing our family retirement on. That is the promise that had been made. What these workers did is stood up, talked to their fellow IBM workers all over America and they fought back and they won some partial benefits as IBM made some rescissions in what they did, but they continued the fight. What they have said, and workers all over America have said, is we cannot discriminate against workers simply because they are old and move to cash balance.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank him so much for his battle on behalf of American working families and retirees for pension protection and safety that he has led in this Congress now for a number of years.

Mr. Chairman, we are here again because of the relentless effort of this administration to empower corporations to cut the pensions of older workers in this country. If this amendment does not pass, the Treasury Department will go forward and provide a ruling that will make it safe for corporations to cut the pensions, the defined pension plans of older workers. Hundreds of corporations already have filed notice that they want to do this, they are simply waiting for the Treasury Department to make the ruling. We were here once before, and the Congress made a determination that this was unfair, it was inequitable, it was mean-spirited and it was damaging the economics of retirees and their ability to provide for their retirement.

The last time the gentleman led this effort, the General Accounting Office came forward and studied the impact of that effort and found that, in fact, many of these pensioners risked losing half of their pension. So the situation today is much the same as when the gentleman from Vermont first sounded the alarm a couple of years ago. But what has changed is, in fact, we now have a court opinion from the Federal District Court in the Southern District of Illinois that ruled, in fact, that IBM had violated the age discrimination protections when it changed its pension plan to accept a cash balance plan. What they did there was they ruled against older workers. They were going to deny older workers the pension benefits that they were entitled to, and they were going to get far less than younger workers were going to get, and that is age discrimination, because that is what they are doing. They are discriminating against older workers, 50, 55 years old, who have 15, 20 years at a company. Now, all of a sudden, they are going to find out that their pension plans have been cut in half.

What does that mean? That means that those people who have worked hard, made their plans for retirement, tried to develop their retirement nest egg so they could have a standard of living to carry them through their retirement years. All that is now threatened, and, essentially, it is gone. Because where does an older worker go to get back that pension benefit when they are 50, 55 years old with that company? They cannot do that. They cannot do that. That is the unfairness of this. That is why AARP, the American Association of Retired Persons, supports our amendment. That is why the Pension Rights Center supports the Sanders-Miller amendment. That is why they support this effort to bring equity to this effort.

What are we trying to say? Let the worker make a choice. Let the worker choose which benefit would help them the most. Companies under our legislation would still be allowed to convert to cash balances, but what they would not be allowed to do is to harm older workers and their families in the effort to do that. That is a significant amount of money to these workers. We have heard from workers all over the country who have e-mailed our office because they have heard that their company is thinking about this. We have heard from people in the financial industry, in the airline industry that have been through this, the telecommunications industry, industrial companies from all over the country who are now being made aware of the fact that they may lose their pensions.

Mr. Chairman, American families are reeling in this economic downturn. They are reeling from long-term unemployment, from rising health care premiums, from steep declines in their savings and the 401(k) investments that were lost in the bursting of the stock market bubble. These people are scrambling to keep their health care benefits, to keep their pension benefits and to keep their jobs. This Congress should not now come along and tell them that we are going to put their pensions at risk. We know that Americans, the baby boomers, people my age and others, who are thinking about retirement over the next 10 or 15 years are now starting to focus on whether or not they will be able to do that. The pension plans that the administration has in order, that the Treasury Department is trying to put in place, put all that at risk.

I would urge my colleagues, as they have in the past on a bipartisan basis, to support the Sanders-Miller-Emanuel-Gutknecht amendment to make sure that, in fact, those pension plans are not put at risk and those families are not put in that economic difficulty.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly appreciate the great passion, and it is passion that is well-placed, when we talk about the issue of pension plans for workers and trying to make sure that there is stability and some surety in those plans.

□ 1630

So I appreciate that, and I realize that this is an issue that is being hotly contested in court.

Now, I do not know enough about the intricacies of the argument to know whether I agree or disagree that the judge has properly followed the law or not. I do know, however, that it is really going to be questionable whether this amendment will accomplish the intended objective.

We have seen several amendments on this bill like that, Mr. Chairman, where people offer an amendment and they tell everybody this will be the effect of my amendment. But that does not make it so.

If you look at the text of the amendment actually offered, it says, and here we are talking about the Transportation and Treasury appropriation bill: ''None of the funds appropriated by this act may be used to assist in overturning the judicial ruling contained,'' and then it recites this court order that was issued out of the U.S. District Court for the Southern District of Illinois in this particular case regarding the pension plan of IBM.

Now, when the amendment says you cannot use funds from the Transportation-Treasury appropriation bill to assist in overturning the judicial ruling, what does that mean? Because, you see, Mr. Chairman, it is the Department of Justice that is involved in representing the government in this litigation.

The funds that are used to potentially file an appeal of this ruling are the funds of IBM, and they are the funds of the Justice Department. It is not the Treasury Department directly that is involved in this, although obviously anything that has to do with pension plans and tax rulings has implications for the Treasury Department.

But this amendment is not going to control what happens in that case. I realize it presents an opportunity for different Members to stand up and say what their position is about that particular ruling about pension plans, but I do not think this amendment is going to bring about the result that people desire.

This amendment does not control what the appellate court may or may not do with the order issued in this case. That is beyond us. We are not here to dictate to a court that this is what you must find. We are here to determine what the law is. The courts interpret the laws. If they do not do a good job, sometimes we will change the laws or do something related to that court.

But this bill is not ultimately going to control the disposition of that lawsuit. It ultimately will not control whether the underlying law is going to be changed or not. As the Committee on Appropriations, we do not make the tax laws. We do not make the pension laws. We have other committees in this Congress, the Committee on Ways and Means, the Committee on Education

and the Workforce, the Committee on Energy and Commerce, have roles in part of this. But it is not going to be decided in this bill.

So I think it is important for Members to understand that whether this amendment is adopted or not adopted is not going to control what the underlying pension law of the United States is. It is consuming time for the House to take up the debate, but we will take it as Members want to. There may be other Members who want to come down to the floor and talk about the amendment, to oppose it, just as we have some Members that have come to the floor to speak in favor of it. But I would not want anyone to think that we are actually deciding what will be the pension laws or the outcome of that particular litigation when we vote on what will happen with this amendment.

Mr. Chairman, having said that by way of explanation, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 3¼ minutes to the gentleman from Illinois (Mr. EMANUEL), who has played a very active role in this issue.

Mr. EMANUEL. Mr. Chairman, just over a month ago, the Federal court ruled that IBM violated Federal anti-age discrimination laws when it converted from its traditional pension plan to a cash balance plan in the 1990s. As a result, over 130,000 of IBM's longest-serving workers, including many in my home State of Illinois, moved one step closer to receiving the retirement benefits they rightfully earned. Despite the court's decision, this administration is pushing regulations allowing companies to switch to cash balance.

Let us be honest: cash balance plans can work. We can create a win-win situation here just along the model that the Secretary of Treasury did at CSX, where you grandfather in older workers. We do not need to create a win-lose situation that only benefits employers and harms employees. There is a way to create a win-win situation that reflects the commitment of long-serving workers and older workers who are nearing retirement, and also gives younger workers a plan like a cash balance retirement plan that is a hybrid between both the defined benefit and the defined contribution plans.

When Secretary Snow was at his confirmation, he talked about what they had done at CSX when he was CEO and chairman. We always around here laud the private sector as a model. Well, I present to you a model, what CSX did for its own employees. It created a win-win situation for the company and for the individuals there, whether they were 58 and near retirement, or 38 and started as new workers. That should be the way we approach this situation.

I am a proud original cosponsor of this legislation. I think it reflects our values of rewarding work, loyalty, and taking responsibility. Thousands of companies are awaiting this decision.

I, along with the gentleman from Vermont (Mr. SANDERS) and the gentleman from California (Mr. GEORGE MILLER), my colleagues, went to testify when there were hearings for this rule change.

It would be wrong to pull the carpet from underneath employees who are nearing retirement, relying on that retirement, planning on that retirement. As we say in our own legislation, if this is good enough for the private sector, let us adopt it here in Congress. Let us have a cash balance plan.

We all know the study that was done. It would affect older-serving Members who have years of service here who have relied open that retirement plan. If it is good enough for people in the private sector who are older workers, should we try it here in Congress? The answer resoundingly would be ''no.''

But, again, we are not going to debate today the principles underneath this bill. What we are going to say is while this decision is moving through the court, the funds through this appropriation process cannot be used to go around the court and implement this plan.

Yes, later on we will debate a pension plan and reform the system. We have the right values in this legislation. I believe it is correct to withhold the funds to ensure Treasury does not go around the court and have this decision work its way so we do not in any way send a signal to other employers to pull the rug out from underneath their employees. Let the court decision go its way. Do not allow them to fund this process and go around the court ruling.

Mr. ISTOOK. Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), who has been a very active leader on this issue.

Mr. GUTKNECHT. Mr. Chairman, I would like to thank the gentleman from Vermont for yielding me time.

Mr. Chairman, it has been my privilege since I have been in public life to represent thousands of IBM employees in Rochester, Minnesota. In fact, approximately 6,000. I do not know how much of the story has been told, but this is a serious subject.

Now, I come at this not only as a representative of over 6,000 IBMers, but I come at this as a former member of the Legislative Commission on Pensions and Retirement. So I am not saying I am an expert on pension policy, but this is something I probably know a little more about than the average Member of Congress.

As the gentleman from Illinois just said, the concept of these cash balance plans or defined contribution plans, modified defined contribution plans, is not necessarily a bad idea. For many younger employees who are going to change careers and jobs throughout their careers, this probably makes some sense. But the bottom line for older workers, workers who have been with a company for perhaps 20 years, this is a shameless attempt to try and steal pension money. Part of the reason that IBM lost that lawsuit in southern Illinois is because the facts did not support their position.

I want to talk a little bit about a different dimension to this, because I do also agree with the gentleman from Illinois; we can craft a plan that is a win-win situation, that would allow companies to convert their pension plans, with one caveat: that you give vested employees a choice.

Let me just read from the dictionary the definition of the term ''vested.'' The definition is ''settled, fixed or absolute; being without contingency, as in a vested right.''

The way you do this, Mr. Chairman, is you literally say to those employees who have been vested that you get a choice. The companies can make a conversion, if they want, for any new hires. They can even make a conversion for those employees who have not vested. But at the least, we ought to agree with this amendment that the Federal Government and its resources should not be used to appeal this particular case. This is a very important case.

Let me just talk to the Republicans for a minute. Understand, I am not sure that Republicans understand what is at stake here and who really is involved. We are not just talking about 6,000 IBMers; we are talking about literally hundreds of thousands of other people, most of them who are 45 years of age or older, who have been with a company for a very long time, many of them what we would call professional people, college-educated, technically trained people. Let me be very blunt: 75 percent of them vote Republican. They understand this issue, if it has happened to them or if they are afraid that it will happen to them.

In fact, go back to the issue of vested. TIAA–KREFF, when they put out a questionnaire or they put out some questions and answers when people sign up for their various pension plans, let me read Question 7 and the answer. I do not have to read the answer.

The question is, ''When do my plan contributions become vested?'' And then in parentheses it says ''i.e., owned by me.''

Now, what 6,000 IBMers found out, I should say probably 5,000 of them at least who were vested, what they found out is there is no legal definition of the word ''vested.''

They came into work one day and they had calculators. As part of their computer tool kit on their computers, they had pension calculators which would literally calculate for them how much their pension would be worth if they stayed with the company until they retired at age 65 or 66, whatever the age was. They could do their little calculation of how much their pension was worth.

All of a sudden they came in one day and IBM changed the pension plan. For a few days IBM made a huge mistake. They left the calculators on the employees' computer screens. They could

very quickly do the calculations in terms of how much the old pension plan was worth to them and then how much the new pension plan was worth to them.

They did not have to be computer experts to begin to figure out that all of a sudden they had lost, in some cases, hundreds of thousands of dollars' worth of pension benefits that they thought were vested.

Mr. Chairman, we should not mess with this. I agree with the chairman from Oklahoma. I do not think the Congress should be messing with this. I do not think the administration should be messing with this. I think this should be left to the courts.

He said, well, this is not pension law. But, understand, and I hope the gentleman from Oklahoma is paying attention here, because pension law is set in several different ways. First of all, it is what is in statute. It is also what is in rule. That is what we are concerned about.

The other thing we are concerned about that is really at issue today is in terms of precedent in the courts. In some respects, this administration is taking a wrong turn by getting involved in this issue. This is an explosive political issue. If you do not believe it, I would ask you to come to my hometown and have a town hall meeting, or have a committee meeting, if you want to hear from 6,000 IBMers.

This is a good amendment. This is the right thing to do. It ought to be included in this bill.

□ 1645

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would say to the gentleman from Vermont (Mr. SANDERS), wherever he is, I am going to suggest a vote against his amendment. I have been around business many years, and I have been in and out of pension plans in many different corporations, and this is a dangerous amendment. I am not going to talk a long time on this thing; I just have to tell my colleagues how I feel.

Also, I am on the Committee on Ways and Means, and I would like to feel that we would have an opportunity to understand this and look at it. There has been no notice on this thing whatsoever.

But the bottom line is this: the Cooper ruling threatens to drive employers out of the pension system. Pension plans nationwide will be burdened with huge additional liabilities, leaving workers worse off. Is that what we want?

As a result of the Cooper decision, we understand the voluntary pension system itself would be in danger. Is this the protection workers need? I do not think so.

Frankly, I would urge people to vote against the Sanders amendment. It is not going to help the people I know, the people I have worked with, particularly the senior employees of various corporations who are so dependent upon our defined benefit plan.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time.

This is an ad, I say to my colleagues, that ran in today's New York Times and it ran in some other newspapers I think here on Capitol Hill as well. It says, ''Don't destroy America's pension system. Vote no on the Sanders amendment.'' It says, the Sanders amendment to the Treasury Appropriation bill threatens to outlaw vast numbers of pension plans.'' Well, that is just outrageous. That is simply not true. We do not outlaw any pension plans.

It goes on to say, ''Prevent pension plans from protecting employees' pensions against inflation while they wait to receive their benefits.'' That is not true. The Sanders amendment does not do that.

All this amendment does, I say to my colleagues, is it says the Federal Government, the Federal taxpayers should not join in this lawsuit against workers. I mean, these workers literally have had pension benefits stolen from them and we are saying, at least the administration should be kept from joining sides with the company. This is the most outrageous ad since the prescription drug ads that they were running a few weeks ago.

Now, the gentleman from Vermont (Mr. SANDERS) and I agree on almost nothing, but twice a year we agree on two things. One is the prescription drug prices and the other is pension policy.

This is a good amendment. It ought to be included in this bill. It is outrageous for the administration to join sides with companies that are trying to steal from pensions.

I say to my colleagues, we have to understand, pensions are in trust. We had this when I was on the pension commission back in Minnesota. One year there was a firefighter from Winona who embezzled something like $200,000 from the Winona Firefighters Pension Fund. And both sides came in and said, it is not my money. It is not my money. The money that was embezzled belonged to the city, or it was not our money that was embezzled. And then, when the pension fund started to get better rates of return and they were making more money than they needed, then the groups were coming in and saying, wait a second. That is our money.

The fact of the matter is pension money does not belong to the company and it does not belong to the employees. It is in trust. And when they make these conversions, the real purpose is to take that money, in effect, out of the trust and put it on to the bottom line of the companies.

This is a good idea. This amendment should be added to this bill.

Mr. BACA. Mr. Chairman, I rise in support of the Sanders Amendment.

This amendment is simple and straightforward. It would simply prevent the Federal Government from using any funding to assist in overturning the federal district court ruling that declared IBM's cash balance pension conversion to be in violation of the pension age discrimination laws that are on the books.

This amendment would protect millions of American workers throughout the country who have been negatively impacted by illegal age discriminatory cash balance pension conversions.

This amendment has the strong support of the AARP, the largest senior citizen group in this country representing over 35 million Americans, the Pension Rights Center and the IBM Employees' Benefits Action Coalition.

A federal district court in Illinois has already ruled this practice as illegal. In the case of IBM, 130,000 employees have seen their pensions slashed as a result of IBM's cash balance scheme. The message was clear. These cash balance plans—which slash the pension benefits of older workers by as much as 50%—are illegal.

Despite this court ruling, it appears that the Treasury Department is still moving ahead with proposed regulations that would give the green light to the very cash balance pension plans that the federal court ruled are illegal. This is wrong.

Just last year, over 300 Members of the House voted to require the Treasury Department to protect older workers in cash balance pension conversions, and over 200 Members of Congress recently wrote a letter to urge President Bush to withdraw the proposed cash balance regulations that are at issue here. Congressional intent is clear—these conversions hurt our nation's pensioners and this practice must stop.

But, there are some in Congress who may believe that cash balance plans are good for American workers. Well, according to a CRS report the Speaker of the House, the distinguished Majority Leader and others would see their pensions slashed by as much as 69% under a cash balance plan.

We do not tolerate discrimination against workers based on race, based on gender and based on other criteria, and we must not tolerate discrimination based on age.

I urge my colleagues to support the Sanders Amendment.

Mr. SANDERS. Mr. Chairman, I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT OFFERED BY MR. VAN HOLLEN

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VAN HOLLEN:

At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, this amendment is designed to ensure that we have an even playing field when the Federal Government decides to hold a competition to contract out Federal jobs and services to private contractors. It has been the long-standing policy of our government to allow for public-private competitions for those services that can be appropriately performed in the private sector, and that process is known as competitive sourcing and it is a good process. But as part of an ideologically-run agenda to contract out more and more Federal Government jobs, the Office of Management and Budget, on May 29, issued a new circular, a new ruling, and they rewrote the rules to tilt the playing field in favor of private contractors at the expense of Federal employees.

Now, Federal employees are happy to submit to competition. I have thousands of Federal employees in my congressional district and they are willing to compete with the private sector. But it is unfair to ask them to compete with one hand tied behind their back, and that is what the most recent OMB rewrite of the circular does; it stacks the decks against our public employees.

There are going to be 416,000 Federal employees that will have to submit to the new privatization process.

Now, under the current system, about 60 percent of the times when we have these private-public competitions, about 60 percent of the time, the Federal employees have won the bid. But according to the Private Contractors Association, the association that represents those who would be receiving the private contracts, according to them in their own written statements, if the rules are rewritten, the number of times the Federal employees could win would drop from about 60 percent to 10 percent of the time. Now, how can we predict that in advance if we have a fair process?

Well, the reason we can predict it in advance is it is not a fair process. It rigs the process against Federal employees, and it is a bad deal for taxpayers, because as taxpayers, what we want is the best deal for all of us, and to get the best deal, we want an even playing field. And if we rig the process in one way, it is not just unfair to Federal employees, it is unfair to taxpayers around this country, because they are not getting the best bang for their buck.

So what does this amendment do? What this amendment does is it gives the OMB, officials at the Office of Management and Budget, another chance to rewrite the rules. It would keep in place the A–76 rules that have governed the process right up to May 29 of this year. So it does not get rid of private-public competitions, it just says let us have a time out and take another look at these rules to make sure that they are fair.

In fact, it does not go as far as we have gone in this House earlier this year. In the Interior Appropriations, there was an amendment added that got through this House that actually prohibits the Department of the Interior from new contracting out in this coming year, to do new reviews in this year. This amendment does not go this far. This does not say no new contracting out. It just says let us play by the rules that we have been playing with up until May 29 until we have an opportunity to visit the flaws, revisit the flaws and look at the flaws in the new process.

What are some of those problems? Number 1, the new OMB circular does not even allow the Federal employees to submit their best bid. You have a streamlined, fast-track process. Now, the pro-contractor commercial activities panel have themselves said that Federal employees should have the right to submit their best bids because of the so-called most efficient organization process, the process by which Federal employees can also organize themselves flexibly so that they can compete on an even playing field, that that is designed to achieve efficiencies and promote higher levels of performance.

Well, if the new A–76 process is about performance and efficiencies and more competition, why is it designed so it does not allow Federal employees the ability to organize themselves to submit their best bids in the competition?

Another problem: The new circular does not require contractors to at least show as part of their bids that there are going to be appreciable savings. It would not require the contractors as part of the bidding process to at least promise the taxpayers some financial benefit, and that is a change. Up until May 29 of this year, we required that the private contractor submitting that bid show that they are going to achieve at least a 10 percent savings, or $10 million, whichever is less, over what is being done by the Federal employees. These contracting-out processes, these competitions cost us a fair amount of money and time and resources to organize it. We should, at the end of the day, at least be able to show the taxpayers that we are going to get a better deal than at the beginning of the day. That is what the old OMB circular did. The new one does not do that.

Another problem: It artificially inflates the cost of the Federal employees' bids. So right off the bat, if you are the Federal employees group, you are at a disadvantage because it arbitrarily assumes about a 12 percent overhead as part of your bid. Now, the Inspector General of the Department of Defense has said that the 12 percent overcharge arbitrarily slapped on in all the in-house bids is insupportable, and that either a new overhead rate must be established or an alternative methodology must be devised to allow overhead to be calculated on a competition-specific basis. In fact, there has been an egregious case recently showing how Federal employees, that their bid would have saved the taxpayers millions of dollars over a private sector bid, and the private sector company got the award, but it turned out that because they had miscalculated the overhead for the Federal employees, the taxpayers got burned.

So if the new A–76 process is being written to promote fair public competition, why does it so dramatically inflate the overhead cost for the in-house bids by Federal employees?

Another problem: It discourages the private sector from providing adequate health care benefits to its employees. In other words, in order to get the contract, the bid from the Federal Government, you in the private sector, in order to get yourself a better deal, you submit a package as part of your bid, it does not contain adequate health care benefits for your employees. Obviously, that saves you money. It essentially allows the jobs to be shipped out to somebody else who does not provide adequate benefits.

If that is not the intention, we in this body should do exactly what the Senate did on a bipartisan basis earlier this year in the Senate Defense Appropriations bill, where they said that if you are the private sector company and you are offering a bid that does not have adequate health care benefits, then the cost of health care benefits should not be considered as part of either bid. In other words, it should not be factored into the Federal employees' bid, and it should not be factored into the private contractor bid. That way, the private contractor would not achieve an unfair advantage by providing little or no health benefits to its employees.

So those are just some of the problems, Mr. Chairman. As I said, all we need to do is take a time out, let us play by the rules that were in effect up until May 29 of this year, and provide a little time to do the rest.

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

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition.

Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. DAVIS), the chairman of the Committee on Government Reform.

□ 1700

Mr. TOM DAVIS of Virginia. Mr. Chairman, as I understand this amendment, it basically strikes the new OMB circular A–76 and would be replaced by the old OMB circular A–76, which all the parties were complaining about prior to this time. So the question really before the House is, is the new circular which was met, after getting input from all of the stakeholders, with a number of unanimous agreements on how this should be changed and incorporated into this, after literally 700 comments were received in developing the guidelines, if this should be changed or should we go back to the old circular A–76.

Is that a correct understanding?

Mr. VAN HOLLEN. Mr. Chairman, will the gentleman yield?

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

Mr. VAN HOLLEN. Mr. Chairman, there are certainly problems with the old A–76 that I believe should be corrected, but I also believe that the new A–76 is, in many parts, worse and creates a more unfair playing field for Federal employees.

Mr. TOM DAVIS of Virginia. Reclaiming my time, I understand the gentleman's position. To be sure, all of us who have dealt with these issues, and I have, for a number of years, there are concerns about the way the administration has gone about competitive sourcing. Two major problems that come in: One we have fixed with this bill, and that is when the administration goes to competitive sourcing, there is a cost to that because you have to hire people to evaluate it. There are costs of the government looking and revamping how they would produce a service. You are evaluating the private sector to see how they would provide the service. There are costs to that, and right now those costs are not currently recaptured.

We have put language into the underlying legislation here through our committee that will, for the first time, have the Federal Government report on those costs so that they can be adequately waived.

The second is issue is, I think in some cases the administration is moving too fast, doing too much competitive sourcing, more than they can adequately handle and evaluate. We have heard there have been a couple high-profile instances where the administration has come forward and the evaluations have probably not been appropriate, and I think they are biting off more than they can chew. But I do not think that goes to the base of the A–76 reasonable or reasonable. I like the new procedure, or if there are revamps, I would prefer not to do it through this process. I would rather go back and evaluate it in committees. We have held hearings and are continuing to look at this.

Remember, competitive sourcing is not the same as out-sourcing or privatization. Its purpose is neither to downsize the workforce or to contract jobs out. It is about harnessing the benefits of competition to produce superior performance for the taxpayer, regardless of who performs a service. And in almost every instance where competitive sourcing is applied, the government ends up with a savings. Sometimes this is done by the government employees and the government groups who have gotten together and have retooled the way they provide the service and do it more efficiently. Sometimes it is done by an outside party coming in and showing that they can do it better.

There is no way to measure efficiency in government when you are a monopoly. But if you can go out, occasionally, to the private sector and say, what can you perform, it gives us a standard of performance, a measurement of efficiency that we would not have otherwise.

Now, there is a problem with this that I readily concede, and it troubles me, and it is one that the gentleman from Maryland (Mr. VAN HOLLEN) and I have wrestled with. And that is, who wants to come work for the Federal government and dedicate a career to civil service if your job is going to be up for evaluation every 5 years, which is what the guidelines in last year's bill called for. Twenty percent every year was going to be looked at, of inherently non-governmental services that the government is providing, and we would see if it could be competitively sourced. And, basically, that meant on average every 5 years a person's job would be evaluated, and that hurts our recruitment. It hurts our retention.

Now, the fact of the matter is, in most cases where the outside parties win, Federal employees are offered rights of first refusal. In fact, that is spelled out better in the new A–76 circular. That if, in fact, the government is displaced by an outside firm, jobs are offered to the Federal employee government to provide that service so they are not out of work. They are no longer Federal employees. They lose some benefits; they pick up some benefits in some particular cases. But to be sure, there are instances that we wrestle with.

Now on May 29, the OMB published its final revisions of the A–76 process. These revisions were the first major overhaul to the competitive sourcing process in 20 years. And this came after all parties, but particularly Federal employees, were complaining about the old system, a system that we return to if this amendment passes.

What we have now is a product of a 2-year effort that includes discussions and negotiations with all stakeholders including Federal employee groups, private sector companies. As I stated before, more than 700 comments were taken into account in developing these new guidelines. They also incorporated the core recommendations of the Commercial Activities Panel. This panel, headed by the Comptroller General, conducted a year-long review of the competitive sourcing process and issued recommendations, most of them unanimous, for comprehensive changes to process. And I think we have to give that revamped process a chance to work before we willy-nilly throw it out and go back to the old process, which everyone was complaining about.

I think the new process is, in many ways, fair. The gentleman from Maryland (Mr. VAN HOLLEN) and I disagree. I will address more of this later. I urge that we oppose the Van Hollen amendment which would take us back to the days that everyone was complaining about and just were not working efficiently.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me respond briefly to a few of those points. There is no doubt that whenever we do these competitions, and I think these competitions are a good thing if done fairly, when we do these competitions, it does cost the taxpayer money just to set them up and run them. Just as the gentleman from Virginia (Mr. TOM DAVIS) has said, that is an expense.

That is why it is baffling to look at the new circular and see that, unlike the old version, the new circular does not require that the private contractor show some savings is going to be achieved from their bid. It used to be you had to show at least a 10 percent savings or $10 million or whichever is less. That is not part of it any more. And yet we will go through the expense of setting up these competitions and taking out the one provision that ensured some kind of savings for the taxpayer.

Number two, I share the gentleman's concern about the Federal employee who is planning a career, investing time and energy and knowledge in the Federal Government because the Federal employees can win the bid and the next day they could be subjected to another round. And within 5 years, it is required after 5 years that they be subjected to another round of competition. There is no such requirement placed on the private contractor.

There are many other issues. I just think it is time to send them back to the drawing board. They may have spent a lot of time on it, but they did not get it right. Let us let them get it right.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform, someone who has spent a lot of time working on this issue as well and who has been pushing the issue of fairness to Federal employees.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the Van Hollen amendment to the Transportation, Treasury Appropriations bill.

The amendment of the gentleman from Maryland (Mr. VAN HOLLEN) blocks the administration from using Federal funds to implement revisions to the A–76 process. In effect, it prevents the administration from paying politics with the civil service system, and it deserves my colleagues' strong support.

Now, this week the Brookings Institution reported on the true size of government. Unfortunately, the report is not surprising to those of us who have watched this administration's assault on the Federal workforce.

The Brookings Institution found that the shadow workforce of private contractors working for the Federal Government is now 16.7 million, which is 9.5 times as large as the civil service workforce.

This administration is not satisfied with a private contractor workforce of 16.7 million, so it is launching yet another attack on Federal employees.

Let me say to those conservatives who say, we want to shrink government, contracting out does not shrink government. It is public-funded jobs, but it is public-funded jobs in the private sector. Taxpayers are paying for it, but these people may not have any of the benefits, and they may not be saving us any money.

This administration is launching yet another attack on Federal employees because the vehicle for this assault is this obscure OMB circular called A–76, which the administration recently revised to accelerate the transfer of Federal jobs to the private sector.

This mad rush to privatize civil service is dangerous. When the government turns to poorly supervised private contractors, the potential for waste, fraud, and abuse soars.

This is not just my assessment. Just read the countless GAO reports on contractor abuses. The problem is so bad that contract management at DOD, the Department of Energy, and NASA, the three agencies that most heavily rely on private contractors, is on the GAO's list of high-risk Federal programs.

Mr. Chairman, the Office of Management and Budget's Statement of Administration Policy alleges that the Van Hollen amendment prohibits funding for public-private competitions. It does not. The Van Hollen amendment simply prohibits these competitions from being conducted under the newly revised rules giving it an unfair advantage to private contractors.

The Washington Monthly wrote last month, ''Even the Federal payroll can become a source of patronage. . . . Bush has proposed opening up 850,000 Federal jobs, about half of the total, to private contractors. And while doing so may or may not save taxpayers much money, it will divert taxpayer money out of the public sector and into private sector firms, where the GOP has a chance to steer contracts toward politically-connected firms.''

This is not shrinking government. This is using government for patronage. It does not create new private sector jobs. It creates private sector public-taxpayer-funded jobs.

Mr. Chairman, it is time to stop this destructive effort to give Federal jobs to private contractors who are campaign supporters. Vote yes on the Van Hollen amendment and stop this administration's war on Federal employees.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I appreciate the gentleman from Oklahoma (Mr. ISTOOK) allowing me to stand in opposition to the Van Hollen amendment.

Today what we are talking about really is the opportunity for the taxpayer to be the winner in the work that is performed by and for the government. This amendment obviously would require that all public-private competitions be conducted under the old and wisely distrusted A–76 circular.

We, in Congress, had a hand in forming not only this Commercial Activities Panel, but I think that Congress needs to listen to the changes that took place back in May from this body.

Essentially, what they did is they went and looked at other areas of government that had been doing outsourcing in a positive way; what I might call best practices, a way to look at the way things should be done that would be better for not only government employees and also good for those who might be bidding, but, more importantly, to really get them up to date with the leading edge practices.

Essentially what happened was there were a lot of transparencies, a lot of things that were recognized that needed to be changed. Some of them had a time frame so that these competitions did not stretch on forever. But perhaps the most important part of applying this, and these changes, is that it is going to really offer a level playing field. That is entirely different than the old A–76 process.

Mr. Chairman, the old A–76 was essentially a competition where everyone bid and then the government was a part of that. These changes will create a level playing field that I think is better for government employees. Because what will happen is the competition will now be under the Federal acquisition regulations, which means that government will be able to respond to the best offer from the private sector. So the government will be able to now respond.

Those employees will now be given an opportunity to see that bid and to compete against that, which gives government employees a chance, not in the whole mix, but rather specifically against the best offer to where it is a real competition.

These are things that have been done in the Department of Defense for a number of years.

So instead of allowing the mix where government employees would be participating against eight or ten different proposals, they now have an opportunity, under the revision that came from this Commercial Activities Panel, to update the process and make it better. Government employees now have an opportunity to compete against what is seen as the best offer.

□ 1715

I disagree with the gentleman from Maryland. I think really what is trying to happen here is they are just trying to kill the whole process, cause a smoke screen when, in fact, we, as Members of Congress, should recognize that through a series of acts, that we have talked about and debated on the floor of the House of Representatives that we determine that the taxpayer needs the best that can come from these competitions. If it is government employees, so let it be. If it is not government employees, in a part of the business that is not inherently governmental, then it should go to whoever can do that best, who can do it at the best cost, who can provide it day in and day out to the best effort of what the taxpayer is.

I will tell my colleagues that I oppose the Van Hollen amendment because I believe that the commercial activities panel who offered many unanimous recommendations, unanimous recommendations from people all over, not only unions, but also other commercial bodies, people who know the business, people who know the marketplace, people who know what is fair so that the taxpayer can get the best dollar for what they paid for, they are the people who studied this, they are the people who made the recommendations, and they said they want to be fair, fairer, best practices, not only to government employees, but also those employees who might be in another company who are competing for something that is part of the business of the United States government that is not inherently governmental.

So the gentleman from Oklahoma, who is standing up today to oppose this unwise amendment, I stand with him, also. I stand with the chairman of the Committee on Government Reform who understands that we must defeat the Van Hollen amendment.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I think one thing we agree on is that what we want is the best deal for the taxpayer, and the way to get the best deal for the taxpayer is to have a fair competition process between the Federal employees and between private contractors who are competing for that. That is how we get the best deal.

What this new circular does is tips the playing field in favor of private contractors. That is the only way the association of private contractors would be able to predict in advance now before any of the bids have been placed that Federal employees will only win 10 percent of the contracts in

the future, in contrast to about 60 percent now.

I outlined a specific series of fatally flawed problems with the new circular. I have not heard any response to any of them. One, Federal employees are not given the opportunity to come forward with their best bids; two, we are not guaranteed any savings under the new process, although we were under the other process; three, artificially inflated overhead costs in Federal employee bids that put them at a disadvantage. Many other problems, unfairness with regard to health benefits. Those are all problems.

I represent many Federal employees, and I know that the organization that represents Federal employees, the American Federal Government Employees Group, is against this new circular. They speak for their fellow Federal employees. This is a bad idea, and all we are asking in this amendment, not to get rid of the process. The idea of having a competitive process is a good one. It is good for the taxpayers, and when it is done fairly, it is good for everybody.

Let us go back to May 29. It still had problems but this does not fix it. This makes it worse. I urge my colleagues to vote in favor of this amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. If my colleagues want to try to kill the bill, and all that it does for transportation in the United States, sure, go ahead and vote for the amendment because the amendment will be the reason for a veto of this bill if that amendment is part of the final product.

The statement of administration policy issued concerning this legislation reads as follows: ''The administration understands that an amendment may be offered on the House floor that would effectively shut down the administration's competitive sourcing initiative. If the final version of the bill contained such a provision, the President's senior advisors would recommend that he veto the bill.''

This bill is too important for that, Mr. Chairman. Anyone who does not think they are serious should look at the current dispute over the aviation reauthorization bill where there is much of the same issue, where people that are Federal employees want to guarantee that work that does not have to be performed by Federal employees nevertheless must be performed by them, and we are having fights over that. That is unfortunate because the taxpayers save money every time we go through the competitive sourcing process.

Typically, most of the time, the Federal employees get to keep the work, but they have to agree to do it in a manner that gets around some of the normal red tape that makes everything cost more typically when it is done by the Federal Government. This is our chance to get around that, but the amendment that is before us will kill that opportunity. It will kill the savings for taxpayers. And if this bill were to be vetoed because the amendments exceed it, bulldozers across the country would stop. Transportation projects would come to a halt if we did not have this bill done in time to have those continue.

Effectively, this amendment would kill competitive sourcing. The President's initiative will have real cost savings to the taxpayers. Recent A–76 competitions have resulted in savings of 20 to 30 percent. The Department of Defense alone expects to save $11 billion between 1997 and 2005 as a result of these competitions.

There are more savings like that in other agencies, but most of the Federal workforce will not ultimately be affected by these things, but we need the chance for the savings for the taxpayers. Mr. Chairman, I ask that this amendment be defeated.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, again, my friend from Maryland and I have fought a lot of battles on behalf of Federal employees. I represent a lot of Federal employees, as he does. We disagree about this particular amendment. I also represent a lot of contractors, and I also represent taxpayers who at the end of the day should be the major beneficiary from this because competitive sourcing, I think, means not less government or more government, it means more efficient government, and that is the goal of this. I hope the gentleman understands that it is a question of how we get to that.

Let me make a couple of comments. I believe this is better for Federal employees in the sense that the new OMB circular A–76 allows the government instead of just providing cost estimates that are compared against competition among the private sector, it almost puts the government at a disadvantage. This allows them to compete on the same field. It allows them to be more innovative in competing with the outside companies, and I think, therefore, more likely to prevail. Government basically has a chance to respond to the private sector on the same grounds, something they do not get under the current A–76 circular and something in our hearings has been something they have complained about. That is thrown out the window with the gentleman's amendment.

Secondly, since OMB circular A–76 is not a regulation but it is simply an OMB circular, OMB can put out another provision tomorrow with minor revisions that we cannot touch. It could be worse, it could be better, but they do not have to go through the hearing process that they did by law to arrive at the conclusion they did here. So they could come back, issue a new circular tomorrow that would be very similar, could be more onerous, and we could not stop that, and that is also a fear I have.

Right now we are in a mode where we are working with them where they are communicating with us, where they are making changes and reacting to some of the results of our hearings and congressional input. I fear if this goes, that the executive branch will exercise their prerogatives and will move ahead in something that I think could be more disadvantageous to Federal employees.

Finally, this process is fair in the sense that if the private vector wins a competition, the contractor has to give any displaced Federal employees a right of first refusal for jobs. The process provides for a 10 percent cost evaluation adjustment to the incumbent services provider, Federal employees in most instances, and Federal employees offers do not have to comply with small business requirements or in many cases have their past performance evaluated. Private sector companies do.

This is not about campaign contributions. I would add to the gentleman on the other side, contributions from unions have gone to the people who are for this amendment and for other dissimilar amendments. There are interest groups on all side of this issue, but let us do what is right for the taxpayers, let us do what is right for this country. Let us defeat the Van Hollen amendment.

The CHAIRMAN pro tempore (Mr. TERRY). All time has expired.

The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VAN HOLLEN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) will be postponed.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, as the designee of the gentleman from Kansas (Mr. MORAN), who has not arrived yet, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PETERSON of Pennsylvania:

Notwithstanding any other provision of this Act, for necessary expenses to carry out the essential air service program pursuant to 49 U.S.C. 41742(a), there is hereby appropriated $63,000,000, to be derived from the airport and airway trust fund and to remain available until expended.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

When 9/11 hit this country, our airline industry had a crushing blow, and the part of it that is probably hurting the most is the commuter system out there that serves much of rural America. It is vital that we continue the essential air service program that helps them maintain service until they can build their business back up.

Currently, though inadvertently, this bill no longer has funding for essential air services. My amendment is very simple. I will keep it very short. My amendment restores the funding that was in the original committee markup, and I urge my colleagues to support it.

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

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Pennyslvania (Mr. PETERSON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HASTINGS of Florida:

At the end of the bill (before the short title), insert the following:

SEC.____. (a) None of the funds appropriated by this Act may be used by the Office of Management and Budget, under OMB Circular A–76 or any other administrative regulation, directive, or policy, to require agencies—

(1) to establish an inventory of inherently governmental activities performed by Federal employees;

(2) to establish or implement any streamlined competition procedures;

(3) to require any follow-on competition; or

(4) to implement the tradeoff source selection process for any activities other than information technology activities.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 15 minutes.

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

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

Mr. Chairman, I rise today to offer an amendment that, if adopted, will ensure Federal employees are given an opportunity to compete on a level playing field during the Office of Management and Budget's continued efforts to privatize the Federal workforce.

In early 2001, the Office of Management and Budget directed all agencies, regardless of their needs or missions, to review for privatization at least 425,000 Federal employee jobs. More than 32,000 Federal employees, I should note, reside and work in south Florida.

On May 29, 2003, OMB finalized its controversial rewrite of the privatization process. It is referred to and has been talked about here as OMB circular A–76. Unlike previous revisions, this latest effort has generated an enormous amount of bipartisan criticism because of the significant changes that have been wrought which put Federal employees at a competitive disadvantage.

Mr. Chairman, taking jobs away from Federal employees without giving them the chance to compete is wrong, period. Yet circular A–76 does just that. In fact, contractors have said in writing that they believe as a result of OMB's revisions to circular A–76, the number of competitions won by Federal employees will dramatically decrease from 60 percent to perhaps 10 percent.

The amendment that I am offering today ensures that Federal employees receive a fair shake in any public private competition. It is fair, balanced and is supported by the American Federation of Government Employees, the AFLCIO and other major labor groups throughout the country.

Specifically, the amendment prohibits the use of funds appropriated by the Act to be used by OMB to require agencies to establish an inventory of inherently governmental activities performed by Federal employees or establish or implement any streamlined competition of less than 6 months.

The amendment also prohibits the use of funds to be used by OMB to conduct follow-up competitions for public-private competitions won by Federal employees, something not required in instances where services are contracted out, and the amendment still allows Federal agencies to experiment with outsourcing of information technology activities.

Mr. Chairman, my amendment does not impose a suspension on contracting out.

□ 1730

Instead, it is a fair compromise between the new OMB Circular A–76 and a complete prohibition against its use. I certainly hope that my colleagues will agree with me and vote ''yes'' on my amendment.

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

The CHAIRMAN pro tempore (Mr. TERRY). Does anyone seek time in opposition?

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 15 minutes.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we just went through much of this same debate. Whether you are saying you are totally restricting it or partially restricting it, we are really talking about the same thing on the competitive sourcing process, the A–76 process. First, the amendment the gentleman from Florida (Mr. HASTINGS) offers is not going to become law, because if it is in the bill, the President will veto the bill.

We have gone through this argument before in prior years. This is a very important initiative to the administration and to the taxpayers of the United States to allow the opportunity for government to be more efficient; to allow competitive sourcing that tells the private sector and the government sector, each of you sharpen your pencils and find the most cost-effective and efficient and successful way to do the work.

And typically we are not talking about things that are inherently governmental. We are talking about everything from food service contracts to building maintenance contracts, the kind of work that does not require someone to be a government employee either for issues of performance or safety or security. We are not competitive sourcing jobs that involve those areas.

If we want the taxpayers to save billions of dollars, if we want the typical savings of 20 to 30 percent, we should not be trying to restrict competition. Government too often claims a monopoly. We do this because we are the government and nobody has a chance to find a better way to do it. Give people that chance. Give people the opportunity. We should be defeating this amendment and allowing the administration to go forward with what is a very modest effort to improve the competitive sourcing process.

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

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

Mr. Chairman, my colleague from Oklahoma, the chairman of this committee, is most sincere, as have been other persons. The gentleman from Virginia (Mr. TOM DAVIS), for example, was here when the Van Hollen amendment was on the floor, which I might add I support very vigorously. That is the Van Hollen amendment. Both of them, and others, and I see the gentleman from Virginia (Mr. TOM DAVIS) rise again, are likely to speak of wasteful government spending. I agree with them; this government has its fair share of wasteful spending. What I do disagree with, what the gentleman from Oklahoma (Mr. ISTOOK) just said is that if this measure is to pass that it will not become law because the President and his administration have indicated that they will veto the measure.

Mr. Chairman, I remind the gentleman from Oklahoma (Mr. ISTOOK) that we have a constitutional responsibility here, as does the President. The President can veto anything he wants to; and if we are of a mind, with two-thirds of the vote, we can override a Presidential veto. So it can be overridden and can become law, and there is a substantial number of people who feel it ought to become law.

Now then, I also would ask the chairman to take into consideration when he and I came to the United States Congress in 1992. Shortly thereafter, in 1994, the majority won the right to control the House of Representatives. And among the things that they said that were going to cost less by privatizing were such things as the printing that is done here at the House of Representatives, or at least was at that time, and the folding offices and other offices that have now been outsourced.

In addition to the inherent danger that exists by not having an in-house family, I defy anybody in the House of Representatives to tell me that the printing of their newsletters and other matters does not cost more now that it has been privatized. And there are other examples of that. One of the worst would be the Federal Aviation Authority. I am here to tell my colleagues that all of us that fly do not want to get on airplanes knowing that the people on the ground controlling that airplane's direction went to the lowest bidder.

Somewhere along the line, we have to come to our senses. Auctioning off 425,000 Federal employee jobs to the lowest bidder is not the way to produce savings. If we are to say that public-private competitions will produce savings, then that is fine. But Federal employees have the right to compete for their jobs in a nonpredetermined way, where real savings win out over cutthroat politics.

Federal employees do not want a free ride. They want a fair shot. My amendment does not halt the administration's efforts to reduce wasteful government spending. And every one of us uses that rhetoric ought to be about the business of trying to reduce wasteful government spending, including that done by the House of Representatives. In fact, it allows agencies to move forward with the implementation of Circular A–76.

What my amendment does do is ensure that Federal employees are given equal footing to the contractors they are bidding against in public-private competitions. It is time for open hunting season on Federal employees to end. Only then will we fully recognize what best value and cost savings really are.

I challenge the subcommittee Chair, my good friend, and he is my good friend, the gentleman from Virginia (Mr. TOM DAVIS), to tell me how it is that we here in the House of Representatives know more about what is good for Federal employees than the American Federation of Government Employees, AFL–CIO, the American Federation of State, County, and Municipal Employees, the Communication Workers of America, the International Association of Firefighters, the International Association of Machinists, the International Brotherhood of Teamsters, the International Federation of Professional and Technical Engineers, the Service Employees Union of America, the National Association of Government Employees, National Treasury Employees Union, Professional Airways Systems Specialists, Service Employees Union, and the United Auto Workers.

Somewhere along the line, some of us need to recognize that these people who are Federal employees probably know at least as much as those of us who are Federal employees by election know. I suggest among other things that not only does the gentleman from Virginia (Mr. TOM DAVIS) represent contractors, but so do I and 433 other Members of the House of Representatives. And not only he represent Federal employees, but so do I and 433 other House of Representatives Members. We all represent the constituency in America that should have a fair shot at low-cost and less wasteful spending, which their A–76 does not guarantee. And so, Mr. Chairman, I ask support of my amendment.

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

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I do not know where to start with my friend from Florida on this. I guess we can compare endorsements of his position on this and mine. He has listed a group of unions, some of them Federal employee unions, some who have nothing to do with Federal employment who are interested, obviously, in protecting their membership. We understand that, and that is a noble purpose.

Our purpose here is not to protect contractors; it is not to protect employees. It is to protect the taxpayers. And that is what competitive sourcing is all about, and trying to do it in an appropriate way that does not destroy the Federal workforce. In some cases, as I have said before, I am not comfortable with every aspect of what the administration has done. But we are working hard and we have language in this underlying legislation that addresses some of those concerns.

The Aerospace Industries Association, the American Congress on Surveying and Mapping, American Electronics Association, U.S. Chamber of Congress, American Institute of Architects, Associated General Contractors of America, Business Executives for National Security, Contract Services Association of America, Design Professionals Coalition, Electronic Industries Alliance, and I can go on and on with National Defense Industrial Council and the National Federation of Independent Businesses support and oppose the gentleman's amendment. So we have groups on both sides that add value to this, and our job is to try to synthesize this.

Last year, I was part of a group in the House that struck down the administration's quotas, their goals that they were going to go out and competitively source a certain percentage. I thought that was wrong. I thought that was an overreach. I thought they were biting off more than they could realistically chew and manage. And I think in some cases where they are today that issue can be addressed, but I do not think the gentleman's amendment addresses those concerns.

This would hamstring the Office of Management and Budget's new competitive sourcing process that was arrived at after weighing 700 comments, after going through the union recommendations of a council that included labor leaders and other government personnel.

Competitive sourcing, also known as public-private competition, is simply a process of determining if the government's commercial functions, like computer services, food services or maintenance, should be performed by Federal agencies or by private sector companies. Our job is to try to get the best services for the taxpayer, the best value, the lowest-cost value, the overall best value. One of the problems with the gentleman's amendment is it strikes at the heart of best-value determinations.

The Hastings amendment limits the agency's use of best value in determining whether a commercial function should be performed in-house or by the private sector. This does not make sense in my judgment, because under our acquisition system, the government buys its more sophisticated goods and services using this best-value method. It permits the government to consider quality as well as cost, and that helps Federal employees, because the quality element has to be clearly set forth in the solicitation. And cost, of course, has to be a factor, but value is not new. It has been used for decades by the government, and it makes no sense to limit its use here.

Our Federal employees ought to be able to use their experience and their expertise in high-quality performance to their advantage in public-private competition, and the gentleman's amendment takes that away. That is a concern. I think it is well meaning, but I think it takes away the advantage that incumbents who were performing this have in terms of quality. Commercial entities and private citizens would not buy services without considering the quality, so why should the government? And the gentleman's amendment strikes that.

Now is not the time to tinker with these revisions in this setting, in my opinion. Again, the revisions are the product of more than 2 years of efforts. Seven hundred comments were considered in the development of the new procedures. They incorporated the core recommendations of the Commercial Activities Panel. This panel, again, headed by the Comptroller General in a year-long effort, reviewed the competitive sourcing process, which was clearly flawed, and which all sides, from Federal employees to contractors to

taxpayers, everyone felt it was flawed and needed revamping. They issued recommendations, this panel did, for comprehensive changes to the process. These efforts resulted in the revisions to Circular A–76, which the gentleman now wishes to strike. It was issued on May 29.

We have held hearings on this. I have some concerns, as the gentleman does, about this as well; but I would rather not throw literally the baby out with the bath water, good things like competitive sourcing that come with this. We recently held a hearing to examine the recent revisions to the competitive sourcing A–76 process, and the Comptroller General testified that significant savings result no matter who wins the competition.

The Office of Management and Budget has just submitted a report to Congress on the methods used by the administration to measure agency progress in implementing the competitive sourcing initiative. OMB has pledged to keep Congress fully apprised of that progress and to conduct the initiative in an open and transparent manner. Let us give them a chance.

And, again, we have put some underlying language in this bill that puts some strict reporting requirements on the costs to the government of competitive sourcing so we can come back and properly evaluate this. This is something we did not have before.

The Hastings amendment derails the administration's efforts to increase the efficiency of government operations. You can say you are for efficiency, you can say you are against wasteful spending, but if you cannot compare how the government is providing a service to how someone else may be able to provide that same service, I do not know how you get at the waste, fraud and abuse. Because waste, fraud and abuse does not come in neatly tied packages in line items and budgets. It is marbled throughout the bureaucracy in the way we do business.

Competitive sourcing, particularly the new A–76 Circular, gives our government employees an opportunity to compete on an even basis under the Federal Acquisition Regulation, something they cannot do now. Right now they have to come up with projections and respond to competitive sourcing on the part of the private sector; the private sector winner is then compared against the government price. This allows them to compete even up, to be more innovative, and to, in many cases, improve the way employees deliver that service.

In my experience, I have found that some of the best savings and efficiencies we get do not come from the managers in the Federal Government or the higher-ups. They come from that employee out the window who is doing the job every day that may come up with that key idea or innovation in the way we can do this.

□ 1745

The new A–76 circular takes that into account and basically gives additional empowerment to that employee at the window to be able to come forward with their ideas and incorporate those into the government bid. Under the old circular, that was not really the case.

I understand the gentleman's frustration. I think all of us feel a frustration, as I have said before. Our concern is constant competitive sourcing can hurt the recruitment and retention abilities to develop a strong Federal workforce, and yet it is a useful tool that needs to be employed. I think perhaps it has been overemployed. There are probably costs that we are not aware of at this point, but we have tried to get at this with underlying language, but I think the gentleman's amendment goes too far.

We want to harness the benefits of competition to produce superior performance for the taxpayer, regardless of who performs the service because at the end of the day, our job is to make sure that taxpayers are getting the best value for their dollar. The gentleman's amendment undermines our ability to do that, so I urge we vote against the Hastings amendment.

Mr. BACA. Mr. Chairman, I rise in support of the Hastings amendment.

I support this amendment because it will allow agencies to move forward with the implementation of Circular A–76.

This amendment does not end efforts to reduce wasteful government spending as many Republicans claim. It simply ensures that Federal employees are on a level playing field with the contractors they are bidding against.

Under the current draft of A–76, Federal employees are severely disadvantaged during any public-private competition.

This amendment is a moderate approach toward reforming the administrator's privatization process by prohibiting funds from being spent to penalize Federal employees and stifle the competitive process.

Federal employees don't want to be given an advantage, they simply want a fair shot.

I stand by Congressman HASTINGS and the Democrats who have consistently stood with Federal employees.

Mr. ISTOOK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. HASTINGS) will be postponed.

AMENDMENT OFFERED BY MR. DAVIS OF FLORIDA

Mr. DAVIS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DAVIS of Florida:

Page 157, after line 2, insert the following new section:

SEC. 742. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.565(b)(2) of title 31, Code of Federal Regulations (relating to specific licenses for ''people-to-people'' educational exchanges), as published in the Federal Register on March 24, 2003.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of 515.560(c)(3) of title 31, Code of Federal Regulations.

The CHAIRMAN pro tempore. Pursuant to the order of the House of September 4, 2003, the gentleman from Florida (Mr. DAVIS) and a Member opposed each will control 5 minutes.

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

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, in March of this year, the Department of Treasury, Office of Foreign Asset Control, OFAC, proposed a regulation which would end licenses for travel to Cuba for educational purposes unless the travel consisted exclusively of students taking formal case work. This amendment blocks that proposed regulation from taking effect by blocking any funding to enforce it.

Earlier this year I traveled to Cuba with the gentleman from Arizona (Mr. KOLBE). We met with governmental officials, the Bishop of the Methodist Church, leading dissidents, including Vladimir Roca, Espinosa Chepe, and others.

I left there struck by the horrific plight of the Cuban people who are living of abject poverty deprived of any freedom or liberty we tend to take for granted here. I left there struck by the enormous talent and potential of the Cuban people; and finally, I left there struck by how much we have in common, folks in my home, the Tampa Bay area and Florida, with the Cuban people.

I also left there with the resolve that because of the miserable relationship between the two countries, it is more important than ever that we as United States citizens reach out to the Cuban people to help them deal with this very horrific plight they are living in today. Shortly after I returned, the relationship between the two governments deteriorated even further with an unprecedented really horrific crackdown by Fidel Castro of some of the people I met with. Three of the people I met with have been sentenced to prison, perhaps for the rest of their lives, and countless others were sentenced to prison simply because of their fight for freedom.

I believe today what we need to do as the House of Representatives is to preserve the ability of United States citizens to travel to Cuba for purposeful contact with the Cuban people to help them help themselves. Educational institutions, churches, not-for-profits have been engaged in this type of travel for years under the educational license that OFAC provides.

The proposed regulation was proposed to punish Fidel Castro for the horrific things he has done. I think the House of Representatives should block that regulation because it, in effect, punishes the Cuban people. Let me cite some examples why: There are universities that are taking teachers down to meet with teachers in Cuba to have an exchange. That could be potentially blocked if this new regulation is not stopped. There are cultural exchanges where people in my community are trying to encourage artists and other creative people from Cuba to travel to the United States and people from the United States to travel to Cuba to build bridges. There are doctor-to-doctor exchanges focused on women health that have been taking place, and lawyer-to-lawyer exchanges focused on helping improve the civil justice system.

All these exchanges which clearly benefit the Cuban people could effectively be brought to an end if this regulation is not blocked. These are the type of exchanges and the purposeful type of travel to Cuba we should be encouraging at this time when Fidel Castro is engaged in a horrific crackdown of his own people. We should not be afraid to export democracy to Cuba, and I urge the House to adopt this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the Davis amendment. Earlier this year after careful review and examination of 4 years of data of so-called educational exchanges, the Departments of State and Treasury determined that nondegree travel is subject to manipulation and control by the Castro dictatorship and its tourism industries in order to meet the regime's political and economic agenda. The objective of the new regulations is for travel to support the Cuban people and not the dictatorship that enslaves and oppresses them day in and day out.

The Davis amendment seeks to repeal this restriction and allow the facade to continue. The regulations implemented in March of this year and which this amendment seeks to repeal are to prevent what Members see here. This is Varadero Beach in Cuba. This article, which appeared in the September 3 edition of the Washington Post Express goes on to say, ''The rumba party is not over yet for U.S. travelers to Cuba, but it may be time to grab that last dance.'' The article explains how the March regulations have sent the so-called nonprofits ''scrambling to redesign their tours'' to qualify under the legitimate categories of people-to-people exchanges. Just doctor up the brochures, they are still junkets, they are still for tourists, just dress it up so it appears to be an educational exchange, people to people.

Again, this picture is worth a thousand words because it clearly unveils what this amendment and others offered here today are truly about. It is not to educate the Cuban people about freedom and democracy, it is to have tourism dollars flow to Fidel Castro, and this is people-to-people contact. This is education. When tourists meet the cabana boy and he gives them a beach towel, they are going to export democracy to Cuba? No, they are going to fuel the Castro dictatorship regime which goes to oppress the Cuban people. Vote against the Davis amendment.

Mr. DAVIS of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself 2 minutes.

What the March regulations by President Bush have sought to do is to eliminate fraud and abuse by those who, under the guise of promoting educational travel, and of course, that is legal to the communist island have used that as a subterfuge for other reasons, fraudulently abusing the regulations.

For example, here is a brochure. This is precisely what President Bush sought to eliminate in the March regulations. This is an 8- or 9-year-old girl with makeup, eyeliner, and lipstick. Unfortunately, the regime in Cuba encourages child prostitution and there is significant trafficking in that tourism. That is something that President Bush has sought to eliminate by entities using the guise of educational travel, for example, which promote this kind of sickening tourism.

Our colleague from Florida pointed out how blatant tourism also is encouraged under the guise of educational travel. Again, educational travel, cultural travel, that is legal, but what President Bush's regulations in March sought to do was to end the fraud and abuse of entities that are simply seeking to encourage revenue for the regime and in the process do horrendous things such as this.

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

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think it is clear this is not a debate about tourism, and it is not a debate about illicit activity. It is about whether certain kinds of educational activities can occur. It is fair to point out that there is abuse as the gentlewoman from Florida (Ms. ROS-LEHTINEN) noticed.

I think both sides can agree that OFAC is perfectly willing to deny applications for licenses where they see fit. That is painfully clear. And where there is abuse and fraud, OFAC can do its job and deny a license. OFAC has the authority conferred upon it by Congress to impose both civil and criminal penalties in cases of fraud. That is not the issue.

The question is whether the types of examples I have cited, the exchanges where universities are taking teachers down there who do not happen to be students engaged in formal case work, instances where doctors or lawyers are going down there on a peer-to-peer basis should be allowed to continue. There can be no basis to deny that does benefit the Cuban people, and should be something that ought to be allowed to continue.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, the issues that the gentleman from Florida (Mr. DAVIS) mentioned are still legal without his amendment. The rule change was to get rid of abuses, and the abuses we are talking about are very unfortunate. They include pedophilia and sex tourism, and those are the abuses that the new rules were implemented to stop.

Let me be very clear. All these amendments that we are seeing today basically have one effect and one effect alone, to send more dollars to anti-American terrorist just 90 miles away from the United States who has said that he wants to destroy the United States, who has shot down unarmed American airplanes in international air space, and who has done everything in his power to enslave his people and to try to hurt the United States. All these amendments do is send more money to this terrorist regime at a time when we are at war with terrorists around the world.

I agree with our President when he said you are either with us or with the terrorists. These amendments, with all due respect, unfortunately, are sending more funds to a terrorist regime and this particular amendment gets rid of some regulations to stop abuse, including those that go to Cuba with the excuse of going for educational reasons, and they go unfortunately in many cases for sexual tourism, including the most tragic and savage of them all, including pedophilia, which is sanctioned by the government of Cuba.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself the balance of my time.

I think it is perfectly clear this is not a debate about the types of illicit activity that have been mentioned on the other side. It is not a debate about terrorism. It is a debate about whether certain types of educational activities should be allowed to continue which I believe benefit the Cuban people, and there has been no suggestion to the contrary, a peer-type relationship.

We need to begin to help the Cuban people plant the seeds of democracy in their country. Goodness knows, it is a terrific task for them to undertake given how repressive this regime is. I saw firsthand the plight of the Cuban

people. My heart went out to them. We cannot ignore that. We need to reach out and use United States citizens to help build democracy, the same way democracy was built in this country.

□ 1800

Ultimately, people are the bridges between countries. It is those relationships that will once again, once Fidel Castro is gone, bring us closer to Cuba and help us grow together as democracies. We cannot build those relationships, we cannot see them grow unless we continue to have the type of purposeful travel, the type of contact that I have described today. And I would urge my colleagues to adopt this amendment, so we can continue, at a minimum, to allow people who are trying to help the Cuban people travel to Cuba to do so.

I urge the adoption of the amendment.

The CHAIRMAN pro tempore (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. DAVIS).

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

Mr. DAVIS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DAVIS) will be postponed.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA:

At the end of the bill (before the short title), insert the following:

SEC. 742. None of the funds made available under this Act may be used by the National Railroad Passenger Corporation unless the Corporation submits all quarterly and annual reports required by law in accordance with the standards applicable to reports under Public Law 107–204).

Mr. OLVER. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Pursuant to the order of the House of September 4, 2003, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

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

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

This is a simple amendment. It says that none of the funds made available under this act may be used by the National Railroad Passenger Corporation unless the corporation submits all quarterly and annual reports required by law in accordance with the standards applicable to reports under Public Law 107–204.

Public Law 107–204 is basically the Sarbanes-Oxley corporate reporting legislation that was passed after the Congress and the American people realized the extent of the problems brought about by the Enron scandal. In Enron, we had an instance where about $600 million, less than $1 billion, of investor money was lost through private investments in a corporation.

We have a corporation that was created, again the National Railroad Passenger Corporation, also known as Amtrak, almost every year for the last 4 or 5 years, they have lost $1 billion or in that neighborhood. Much of this is subsidized by the taxpayer. Hardworking Americans send their dollars to Washington, and not a whimper has been heard about the lost money or unaccounted-for money in Amtrak.

We passed a law that required corporations across the land, and Amtrak is a corporation, this rail corporation, even by its name I just cited, is a corporation and all this says, that existing current law, nothing new, nothing greater, that was passed by this Congress for transparency, for accountability, be also known and be it clear that Amtrak is required to report on the same basis.

We think it is very important. I will tell you why it is important. Again, as a member of the Subcommittee on Railroads under the Committee on Transportation and Infrastructure, let me just cite some of the things that the General Accounting Office 2000 report gave to our committee and to Congress. It found that Amtrak did not know its route-by-route costs of its mail and express program because it never separately identified these costs. It said in the report, according to an Amtrak official, Amtrak still has a long way to go in producing reliable mail and express financial information and in understanding the true cost of this business.

Again, Amtrak is a corporation that has a board of directors, it has an employee stock ownership plan, it has assets and liabilities, and it also has taxpayer money coming into the program. We cannot tell, according to the GAO report, its finances. So I think it is long overdue that we take a step such as this and require that they comply with existing law that all other corporations must comply with. The report further went on and looked at a review of Amtrak's expenditure of $2.2 billion in Federal funds from the 1997 Taxpayer Relief Act. It found that Amtrak could not determine how it was spending its Federal funds, nor was Amtrak able to ensure that its spending was allowed under Federal law.

So Amtrak, according to the Inspector General, does not even know what it is required to do under existing law. This is merely a clarifying, enunciating statement by this Congress that the same disclosure, the same standards that we require for corporations, it is clear that Amtrak as a corporation must also comply with. In fact, the report goes on to say that at one time Amtrak did not even have a process in place to review its spending practices. So we have questions again raised, and this is not something I made up. This is a General Accounting Office February 2000 report, telling us that there is not clarity in which laws or even which standards of reporting at Amtrak.

We are not creating any new law under this particular provision. What we are doing is saying that Amtrak, that is taking a huge amount of taxpayer money, in the billions, going into debt in addition to the money that Congress is appropriating in the billions, and we are not able to say that it even complies with existing law. So this is a requirement to have Amtrak comply with existing law.

Why should Amtrak not be held to the same standards and accountabilities and reporting requirements that Congress has imposed on corporate America? That is the question I leave before the House.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Massachusetts insist on his point of order?

Mr. OLVER. Yes, Mr. Chairman. My point of order is that this proposes to change existing law and constitutes legislating in an appropriation bill, and, therefore, violates clause 2 of rule XXI.

I insist upon my point of order.

The CHAIRMAN pro tempore. Does anyone wish to speak on the point of order?

Mr. MICA. To the point?

The CHAIRMAN pro tempore. Yes, to the point of order. The gentleman from Florida wishes to speak on the point of order. The gentleman is recognized.

Mr. MICA. Mr. Chairman, on this point, I am an authorizer, and I am very much aware that we do not want to authorize on appropriations measures, so we tried to craft this measure very carefully. In crafting it, we have used language that says, and again I quote from my amendment, in accordance with standards applicable to reports under Public Law 107–204. Public Law 107–204 is a law that applies to corporations in the United States of America. I have a copy of that here. Amtrak is the National Passenger Rail Corporation. It has a board of directors. It has an employee stock ownership plan. It has assets and liabilities. Additionally, it is taxpayer-funded. We have not gone outside of the parameters of existing law. There is a question, it appears from the General Accounting Office reports that I have cited, that Amtrak does not know what the bounds of the current laws are. This particular report was done prior to the passage of the Sarbanes-Oxley legislation, Public Law 107–204. Again we are not requiring any new legislation, any new law. We are stating again that none of the funds made available under this act would be used by this corporation unless the corporation submits their quarterly and annual reports as required by law and in accordance with the standards of an existing

law, merely clarifying, and I think it is an important point here that we make, that we do not go beyond any existing law requirements.

The CHAIRMAN pro tempore. Does anyone else wish to speak on this point of order?

It is the opinion of the Chair that the gentleman from Florida has been unable to carry his burden of proving that the standards in the relevant statute are already applicable to reports by the Corporation. Barring that proof, the Chair is constrained to find that the amendment would make these standards applicable. By making standards apply that are not otherwise applicable, the amendment changes law in violation of clause 2 of rule XXI. The point of order is sustained. The amendment is not in order.

Are there further amendments?

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MICA) having assumed the chair, Mr. TERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of H.R. 2989, and that I may include tabular and extraneous material.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 11 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GREEN of Wisconsin) at 6 o'clock and 33 minutes p.m.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2989.

□ 1833

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. DREIER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Florida (Mr. MICA) had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 6 offered by the gentleman from Colorado (Mr. HEFLEY); amendment No. 24 offered by the gentleman from Texas (Mr. SESSIONS); the amendment offered by the gentleman from Arizona (Mr. FLAKE); Amendment No. 2 offered by the gentleman from Massachusetts (Mr. DELAHUNT); the amendment offered by the gentleman from Vermont (Mr. SANDERS); amendment No. 5 offered by the gentleman from Florida (Mr. HASTINGS); the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN); and the amendment offered by the gentleman from Florida (Mr. DAVIS).

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

AMENDMENT NO. 6 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the Amendment No. 6 offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 326, not voting 21, as follows:

[Roll No. 481]

AYES—87

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Blackburn
Blunt
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Buyer
Cannon
Chabot
Chocola
Coble
Collins
Cox
Crane
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Goodlatte
Green (WI)
Gutknecht
Hall
Hart
Hayes
Hefley
Hensarling
Herger
Houghton
Hunter
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kirk
Lewis (KY)
Linder
Miller (FL)
Miller, Gary
Musgrave
Norwood
Nunes
Otter
Oxley
Paul
Pence
Petri
Pitts
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (WA)
Stearns
Stenholm
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Toomey
Vitter
Watson
Wilson (SC)

NOES—326

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Ballenger
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)

Nethercutt
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Clay
Cummings
Doolittle
Edwards
Emerson
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
McHugh
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1854

Messrs. FROST, SHAYS and FRANK of Massachusetts changed their vote from ''aye'' to ''no.''

Mr. EVERETT changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 24 OFFERED BY MR. SESSIONS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 282, not voting 22, as follows:

[Roll No. 482]

AYES—130

Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Blackburn
Blunt
Bonilla
Boozman
Brady (TX)
Burgess
Burns
Burr
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dooley (CA)
Dreier
Duncan
Dunn
Everett
Feeney
Flake
Fletcher
Forbes
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Granger
Gutknecht
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Jones (OH)
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McCotter
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Putnam
Radanovich
Ramstad
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Smith (TX)
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Wamp
Weldon (FL)
Wilson (SC)

NOES—282

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hayes
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Turner (OH)
Udall (NM)
Van Hollen
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Clay
Cummings
Diaz-Balart, L.
Doolittle
Emerson
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
McHugh
McInnis
Rangel
Reynolds
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

□ 1903

Mr. CHOCOLA changed his vote from ''aye'' to ''no.''

Mr. TIBERI and Mr. HALL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 188, not voting 19, as follows:

[Roll No. 483]

AYES—227

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Ford
Frank (MA)
Frost
Gallegly
Gonzalez
Gordon
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hefley
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Rahall
Ramstad
Rehberg
Reyes
Rodriguez
Rogers (KY)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Shimkus
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wilson (NM)
Wynn

NOES—188

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bradley (NH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Engel
English
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Hobson
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Ortiz
Ose
Pallone
Pascrell
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—19

Clay
Cummings
Doolittle
Dunn
Emerson
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1910

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GRAVES, Mr. Chairman, on rollcall Nos. 481, 482, and 483, my flight was delayed. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. DELAHUNT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 196, not voting 16, as follows:

[Roll No. 484]

AYES—222

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Graves
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Portman
Price (NC)
Rahall
Ramstad
Rehberg
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Shimkus
Simmons
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Whitfield
Wynn

NOES—196

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Edwards
Engel

English
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

□ 1917

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 160, not voting 16, as follows:

[Roll No. 485]

AYES—258

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Conyers
Costello
Cramer
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wu
Wynn
Young (FL)

NOES—160

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kennedy (MN)
King (IA)
Kirk
Kline
Kolbe
Lewis (CA)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Myrick
Nethercutt
Neugebauer
Norwood
Nunes
Osborne
Oxley
Pearce
Pence
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (MI)
Rohrabacher
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

□ 1926

Messrs. MILLER of North Carolina, BURGESS, and ROGERS of Alabama changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 211, not voting 18, as follows:

[Roll No. 486]

AYES—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Cramer

Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Shimkus
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOES—211

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

NOT VOTING—18

Brown, Corrine
Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Turner (TX)
Udall (CO)
Velazquez
Woolsey

□ 1933

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VAN HOLLEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 198, not voting 16, as follows:

[Roll No. 487]

AYES—220

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

NOES—198

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
John
Johnson (CT)
Johnson, Sam
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
LaHood
LaTourette
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter

Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

□ 1941

Mr. SWEENEY, Mr. MORAN of Virginia, and Ms. CAPITO changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DAVIS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 173, not voting 15, as follows:

[Roll No. 488]

AYES—246

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burgess
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Goodlatte
Gordon
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Pomeroy
Portman
Price (NC)
Rahall
Ramstad
Regula
Rehberg
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Shimkus
Simmons
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wilson (NM)
Wu
Wynn

NOES—173

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Engel
English
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goss
Granger
Green (WI)
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCotter
McCrery
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Ortiz
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner (OH)
Vitter
Wamp
Weldon (FL)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Cummings
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

□ 1950

Mr. GUTKNECHT changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. STUPAK. Mr. Chairman, I rise to highlight my amendments to the Transportation-Treasury-Independent Agencies Appropriations Act. Although they were ruled out of order by the House Committee on Rules, I believe they warrant attention.

I offered two amendments to the Rules Committee: one to require that the State of Michigan use some of their federal aid to help rehabilitate the Mackinac Bridge; and another to prohibit airlines from cutting their service if they took the most recent federal airlines' bailout money.

My Mackinac Bridge amendment would have bolstered much-needed support of the largest suspension bridge in the Western Hemisphere, connecting Michigan's Lower and Upper Peninsulas.

Under the Mackinac Bridge Authority's original 1956 toll agreement, the Bridge does not qualify for state apportioned federal aid. However, the Mackinac Bridge Authority, the Michigan Department of Transportation, and the Federal Highway Administration are now working to update the Bridge's toll agreement to allow it to qualify for federal aid.

Should the toll agreement take effect, my Mackinac Bridge amendment would ensure the State of Michigan would use ''such sums as necessary'' of their state apportioned federal aid for the rehabilitation of Mackinac Bridge.

My air carrier amendment would protect airports and airline passengers from increasing cuts in service. During the last two years, air carriers have lobbied for federal aid on the grounds that they cannot alone shoulder the burden of heightened security needs and the declining economy while maintaining adequate flight service.

Congress has continually supported increased federal aid for U.S. air carriers, most recently during the Fiscal Year 2003 Supplemental Appropriations Act. The Supplemental provided an ''emergency'' $2.9 billion in assistance to U.S. air carriers.

Yet despite increased federal assistance, air carriers continue to cut flight service at airports across the country. Rural airports have been hit particularly hard by air carriers eliminating air travel options or reducing the flight schedule.

My air carrier funding amendment would prohibit any air carrier receiving federal assistance under the FY03 Supplemental Appropriations Act from reducing the level of service at any airport for a period of two years, retroactive to the date of the Supplemental's enactment on April 16, 2003.

These amendments would have helped improve the lives of northern Michigan residents. It is unfortunate the House Rules Committee prohibited their consideration.

Mr. STUPAK. Mr. Chairman, I rise in strong support of Mr. MCHUGH's amendment to protect commercial air service for small communities.

The Federal Aviation Administration Conference Report establishes a pilot program to require up to 10 selected Essential Air Service communities to contribute a 10 percent cost share for a 4-year period.

The McHugh amendment prevents this baseless cost-sharing burden from taking effect.

For 25 years now, EAS has provided government subsidies to air carriers serving small communities like mine in northern Michigan.

Without the federal help of EAS, many small communities would not be able to retain scheduled commercial air service. Rural residents like those in the 1st District of Michigan deserve access to the air transportation system. Commercial air service is also critical to economic development.

Never before have local airports been required to contribute to the federal EAS program, nor should they be expected to do so now.

I'm supporting the McHugh amendment to make sure communities receiving EAS funding won't be forced to sacrifice other important local programs at the expense of air service.

I also take this opportunity to mention my other efforts in this bill to protect my community airports and air passengers.

I submitted an amendment to the House Committee on Rules to prohibit airlines from cutting their service if they took the most recent federal airlines' bailout money.

During the last two years, air carriers have lobbied for federal aid on the grounds that they cannot alone shoulder the burden of heightened security needs and the declining economy while maintaining adequate flight service.

Congress has continually supported increased federal aid for U.S. air carriers, most recently during the Fiscal Year 2003 Supplemental Appropriations Act. The Supplemental provided an ''emergency'' $2.9 billion in assistance to U.S. air carriers.

Yet despite increased federal assistance, air carriers continue to cut flight service at airports across the country. Rural airports have been hit particularly hard by air carriers eliminating air travel options or reducing the flight schedule.

My air carrier funding amendment would prohibit any air carrier receiving federal assistance under the FY03 Supplemental Appropriations Act from reducing the level of service at any airport for a period of two years, retroactive to the date of the Supplemental's enactment on April 16, 2003.

This amendment would have helped improve the lives of northern Michigan residents. It is unfortunate the House Rules Committee prohibited their consideration.

I do, however, urge my colleagues to support the McHugh amendment.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I want to thank Chairman ISTOOK, Ranking Member OLVER and the staff of the Transportation, Treasury and Independent Agencies Subcommittee for their continued consideration and support of the transportation related needs in the Commonwealth of Puerto Rico.

As many of my colleagues are aware, Puerto Rico, with a limited land mass and a very high population density, faces enormous challenges in meeting the demands on surface transportation networks. Through our partnership with the federal government, with local financial commitments tied to necessary planning and project construction, Puerto Rico will meet the growing needs for transportation.

Congestion, a serious problem crippling the San Juan metropolitan area, will be significantly reduced by the initial phase of Tren Urbano. The light rail project will grow transit ridership over time and provide an integrated, multi-modal transportation system with buses, publicos, water taxis, pedestrians and automobiles. The Commonwealth of Puerto Rico is committed to the successful completion of Phase I of Tren Urbano and the development of future extensions.

I thank the Appropriations Committee for including $43.5 million in funds for Phase 1 of Tren Urbano. Additionally, under the House passed bill, Puerto Rico will receive significant funds for new bus purchases, and for ferryboat and ferryboat facility improvements. I will work with conferees to safeguard this necessary support Puerto Rico has been provided by the House.

The CHAIRMAN. The Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Transportation, Treasury, and Independent Agencies Appropriations Act, 2004''.

The CHAIRMAN. Are there any further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 351, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 39, not voting 14, as follows:

[Roll No. 489]

YEAS—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne

Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—39

Barrett (SC)
Boswell
Conyers
Costello
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Everett
Flake
Franks (AZ)
Hastings (FL)
Hefley
Hensarling
Herger
Jones (NC)
Matheson
McHugh
Meek (FL)
Menendez
Miller (FL)
Nussle
Obey
Oxley
Paul
Rohrabacher
Ros-Lehtinen
Sensenbrenner
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Stark
Stearns
Strickland
Tancredo
Taylor (MS)
Toomey
Wexler

NOT VOTING—14

Cummings
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2010

Mr. MEEK of Florida and Mr. HASTINGS of Florida changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, July 25, 2003, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2765

□ 2012

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, September 5, 2003, amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY) had been disposed of and the bill was open for amendment from page 12, line 23, through page 52, line 12.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to advise the House that this vote that we will take soon on the D.C. bill is the end of the 13 regular appropriations bills for fiscal year 2004. This does the job.

We have had some interesting times, Mr. Chairman; but in this calendar year starting in February, the Committee on Appropriations concluded 11 of last year's bills, two major supplementals, and 13 regular bills once we have the vote on the D.C. appropriations bill.

I want to say thank you to all of the Members of the Committee on Appropriations on both sides. I want to say thank you to the Members of the House that gave us some spirited debate in amendments but also some very strong votes.

Mr. Chairman, we are prepared then to move on to our conferences with the other body, which should prove to be very interesting.

Ms. NORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this House has a proud bipartisan record of reserving scarce Federal funds for public education. We cannot convincingly make the District of Columbia an exception to that record.

The majority of the city council, the majority of the elected members of the school board, and as the member who has represented the city for 13 years, the majority of the residents of the city are just like your districts and overwhelmingly oppose vouchers. Hundreds of them, led by the clergy of our city ministers and rabbis, came to fan out to tell the Congress that just last week.

□ 2015

If you are willing to vote to give public money to private schools this year, you better be prepared to answer back home. Of course you can say, well, the District of Columbia is different; you know, the schools are so bad. There are school districts exactly like the District of Columbia in every State of the Union. Those of you from Michigan know about Detroit. If you come from Georgia, you know about Atlanta. If you come from Connecticut, you know about Bridgeport. If you come from Texas, you know about Houston and Dallas. And I do not know all of your rural districts, but I am sure they will match the District in test scores and all the rest of the deprivations that lead to bad schools.

So you go home, if you will, and tell them that in the year when the unkept promise of special education remains outstanding, while the schools in your district are being called shortchanged, that is okay; there was one district in the United States that I was willing to give private money for public schools.

So you go home and tell them, well, I am not for it here, because that is the hypocrisy I hear time and again, but this is one district in the whole United States that I was willing to dig in my Federal pocket and draw out some public money for private schools and it will never happen again. There is a 5-year appropriation here. You will be doing it year after year. And you go home and tell them, when there is a backlash now developing against the bipartisan No Child Left Behind, that that $9 billion unfunded mandate, that is okay, we are taking care of that. Meanwhile, we had some private schools in the District of Columbia that we simply had to fund this year.

This is a voucher-only bill. If you vote for the Davis amendment, you are voting for vouchers for our country. If you vote ''yes'' on final, you are voting vouchers if the Davis amendment is in the bill. Vote ''no'' on Davis. Vote ''no'' on final passage. Do not flip-flop on vouchers. You will pay the price. We will try to see to it that you do.

Mr. BOEHNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would say to my colleagues that I will not use the 5 minutes, but we need to understand that the Davis proposal that the gentleman from New Jersey (Mr. FRELINGHUYSEN) and I have cosponsored is supported by the Mayor and supported by the President of the school board and other members of the city government. It is also overwhelmingly supported by the people of D.C.

But do not take my word for this, because this is really not about the politicians and it is really not about us; it is about poor kids in poor schools who are being denied an education. We hope, we hope that the Mayor and the school board do a great job trying to improve the city schools. But while they are out there working, trying to improve the city's schools, why should we not take the chance, why should we not take the chance of offering 2,000 children a chance to go to a better school? Because in the end, that is what this is about, these kids. And these kids today are going to have no future if we do not stand up and begin to help them.

So I would ask all of my colleagues today, when you vote, think about these children and think about their future. All of their parents want, and what these kids want is the same

things that we want for our children, and if we stand up here today and vote ''no,'' I want you to look into their parents' eyes and say, I am not going to help you, and your children are not going to have the same opportunity as ours. Please vote for Davis.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the last word.

I come from the great city of Cleveland where the voucher program was upheld by the Supreme Court, and I look in the eyes of the parents of every one of those children everyday and say to them that public education is what we ought to be supporting. Let us put some of that $87 billion we are getting ready to send to Iraq into public education. Let us put some of these dollars that we are setting aside into public education. Let us reduce student-teacher ratio. Let us increase the opportunity for our children to do well.

I am not going to take 5 minutes either, but I could not let you leave with saying you could not look into eyes of the parents. I look in their eyes everyday, and they say, Stephanie, send me more teachers, send me more money for our schools, and give our children an opportunity.

The CHAIRMAN. The Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''District of Columbia Appropriations Act, 2004''.

The CHAIRMAN. Are there any further amendments to the bill? If not, under the order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, pursuant to the previous order of the House of July 25, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

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

RECORDED VOTE

Ms. NORTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 208, not voting 17, as follows:

[Roll No. 490]

AYES—209

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

NOES—208

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

NOT VOTING—17

Cummings
Emerson
Ford
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Kucinich
Rangel
Serrano
Simpson
Towns
Udall (CO)
Velazquez
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

PARLIAMENTARY INQUIRIES

Mr. HOYER (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman may state a parliamentary inquiry pertaining to the vote.

Mr. HOYER. Mr. Speaker, under regular order, we were told at the beginning of this session that the leadership of the House and the message from the Speaker of the House, DENNIS HASTERT, was that we were going to allot 15 minutes for votes with only 2 minutes, and that at 17 minutes, the voting tally would close, and we were all urged to be on time so that the work of the House could be done efficiently and effectively.

Mr. Speaker, my inquiry is, is that regular order still in place? Is that still the policy of the leadership of this House?

The SPEAKER pro tempore. The Chair would respond to the gentleman from Maryland that clause 2 of rule XX states that the minimum time for a recorded vote or quorum call by electronic device shall be 15 minutes.

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

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

Mr. HOYER. Mr. Speaker, was that the rule that the distinguished Robert Walker of Pennsylvania raised such cane about and was so angry about and felt that Jim Wright was so out of order about when he held the vote open? Is that the rule, Mr. Speaker?

The SPEAKER pro tempore. The gentleman did not state a further parliamentary inquiry.

The Chair would further note, from House Practice, chapter 58, section 20, that the Chair has the discretion either to close a vote and to announce the result at any time after 15 minutes have elapsed or may allow additional time for Members to record their votes before announcing the result.

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland may state his further parliamentary inquiry.

Mr. HOYER. Mr. Speaker, listening to the Chair's recitation of the rule, would that mean that the Chair now has the authority to close this vote and express the will of the House of Representatives as reflected on the board?

The SPEAKER pro tempore. The Chair would again state to the gentleman that the Chair has the discretion either to close a vote and announce the result at any time after 15 minutes have elapsed or to allow additional time for Members to record their votes before announcing the result.

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. FRANK of Massachusetts. The question is not whether the Chair has the discretion but whether or not he has the integrity and courage to do so.

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Wisconsin may state his parliamentary inquiry.

Mr. OBEY. Mr. Speaker, could I inquire if anyone from the attending physician is present? I understand someone's arm is being broken.

□ 2101

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 206, not voting 18, as follows:

[Roll No. 491]

YEAS—210

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

NAYS—206

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

NOT VOTING—18

Coble
Cummings
Emerson
Ford
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Kucinich
Rangel
Serrano
Simpson
Towns
Udall (CO)
Velazquez
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 2117

Ms. KILPATRICK changed her vote from ''yea'' to ''nay.''

Mr. MILLER of Florida changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the time to resume proceedings on the motion to instruct conferees offered by the gentleman from Maryland (Mr. RUPPERSBERGER) is redesignated as tomorrow.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report

(Rept. No. 108–267) on the resolution (H. Res. 360) providing for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. EDWARDS. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct conferees on H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. The form of the motion is as follows:

Mr. EDWARDS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in sections 606 and 619 of the Senate amendment (relating to the rates of pay for the family separation allowance and imminent danger pay).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. MICHAUD. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003. The form of the motion is as follows:

Mr. MICHAUD moves:

1. To reject the provisions of subtitle C of title II of the House bill.

2. The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. DAVIS of Tennessee. Mr. Speaker, subject to rule XX, clause 7(c), I hereby announce my intention to offer a motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act. The form of the motion is as follows:

Mr. DAVIS of Tennessee moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

LIMITING NONECONOMIC MEDICAL LIABILITY DAMAGES

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

Mr. BURGESS. Mr. Speaker, this Saturday voters in my district will go to the polls and vote on an amendment to the Texas State Constitution to limit noneconomic damages in medical liability lawsuits.

Here in the House of Representatives, we passed H.R. 5 in the hopes of accomplishing the same goal last March, but the other body so far has failed to act. Texas voters will most likely approve this Constitutional amendment. I will be among the group voting in favor of this amendment.

So is a national solution still necessary? The answer is a very firm yes.

Mr. Speaker, this summer I was in Nome, Alaska, and I talked to the doctors of the hospital there. They are unable to have an anesthesiologist on their medical staff because they cannot afford the liability insurance policy for an anesthesiologist. This means that the doctors in that hospital who practice obstetrics must send their patients to Anchorage, Alaska, for C-sections. Mr. Speaker, that is a 90-minute plane ride, and I am given to understand the weather in Nome, Alaska, is occasionally disagreeable.

At Columbia University, the head of the residency program told me she had far fewer candidates for OB–GYN residencies than in years past, largely because of the liability crisis throughout the country. In fact, the head of that program went on to say they are now making candidates that they would not have even considered for an interview 5 years ago.

While some States may have had the foresight and found a solution to the crisis, this remains a national problem requiring a national solution. The House has acted. The other body has not. Mr. Speaker, how can they do that.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

AMERICAN CRITICISM

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

Mr. BURTON of Indiana. Mr. Speaker, I hope all of my colleagues are paying attention to this 5-minute Special Order because there are a couple of things that should be brought to Members' attention in this body and the other body. The first one is the Saudi Arabian government has been and continues to be, in my opinion, complicitous in terrorist activities involving Americans abroad and here at home. The Saudi Royal Family, according to reports I have been made aware of, have been conduits or had conduits give money to terrorists and funded terrorist activities. And I think everybody in America knows that 15 of the 17 terrorists that attacked the World Trade Center were Saudis.

It seems to me incumbent upon our government to put pressure on the Saudi government to be a friend of the United States instead of an enemy. We should do everything we can to stop the Saudis from funding terrorist activities on the West Bank and Gaza in Israel. Toward that end, I hope that our Secretary of State, Colin Powell, might be paying attention to what I am saying tonight because it is important that our State Department deal with that on an every day, ongoing basis, to keep pressure on the Saudis to bring about positive change.

I know that we get an awful lot of our energy supplies from that part of the world, and Saudi Arabia supplies a lot of that, but that does not give them the right to support terrorism that threatens our friends in Israel or the people of the United States.

The second thing I would like to say is that there was a story, an editorial comment printed in Al Akhram, the official Egyptian daily newspaper this last week, and I would like to read what was said by the Egyptians toward the United States about the United States, and this is the official organ of the Egyptian government, their newspaper. This piece attacks the Americans over Iraq calling Americans cannibals. This is the government of Egypt speaking, prehistoric animals who feel

they have the right to dismember and eat their enemies and to make sure they are dead. The Egyptian newspaper says Americans are wallowing in blood and death and disembowelment, and for the crimes of the U.S. troops, the paper says, this is the Egyptian newspaper, an organ of the government, the proper response is to kill American troops.

□ 2130

What does the Egyptian government do? Right now it is encouraging the America-hating because it takes the heat off of the government itself. This is how American-hating works around the world. Call us cannibals, and what we will do is, we will support you.

We give Egypt $2 billion a year to help their economy; $2 billion a year. And we have been doing it for a long, long time, ever since the Camp David accords were signed when Jimmy Carter was the President.

If we are going to be giving money to the Egyptians, then we ought to demand that they show respect for our troops and our involvement in the war in Iraq. Our troops went over there to liberate that country, to save those people from a tyrant, to stop terrorism in that part of the world and around the world. And for that our Egyptian friends, whom we give $2 billion to a year, are calling us cannibals and saying that American troops should be killed and slaughtered.

This is something that we should not tolerate. And so I would say to our State Department and our fine Secretary of State, take a message to the Egyptian government, tell them to cut this out. If they want support from the United States, let them treat us with respect and treat our troops with respect who are laying their lives on the line for the people of Iraq and the people of this world on a daily basis.

Secondly, I hope our State Department will continue to talk to the Saudi Arabian government and tell them to get with the program and stop supporting terrorism around the world.

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

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

EXCHANGE OF SPECIAL ORDER

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to replace Mr. MENENDEZ on his time.

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

There was no objection.

AMERICAN PARITY ACT

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, the President announced to the American people yesterday that he intends in their name to borrow $87 billion on top of the $79 billion he borrowed earlier this year to rebuild Iraq, Afghanistan, and continue the struggle in that area.

Now, I would hope that the Congress this time will choose to scrutinize this request. The last time the President just breezed through here and the Congress said, $79 billion, no problem. So I would hope every penny will be reviewed.

I would hope that this Congress would choose to pay for this instead of borrowing $87 billion, indebting our children and grandchildren, by freezing tax cuts for the wealthiest people in the country. We could pay for it if we just stop cutting taxes.

But I really want to focus on a part of that which the President proposed, $20.3 billion on top of $2½ billion he requested earlier, to rebuild the infrastructure of Iraq, to build schools, electric grid, water and sewage, oil infrastructure, transportation, communications, housing, public buildings, roads and bridges, and money for the police, fire, the first responders.

Now, we are going to borrow $20.3 billion in the name of the American people, and we are going to send it to Iraq to rebuild their country. Now, it has not been long since we heard from the Bush administration that this would be free, the architecture of the war in Iraq.

Secretary Paul Wolfowitz told a House subcommittee in March that Iraq would generate $50 to $100 billion of oil revenue over the next 2 to 3 years. We are dealing with a country that can really finance its own reconstruction and relatively soon. Mr. WOLFOWITZ is somehow still in good standing with this administration despite the fact that he was wrong by about $100 or $200 billion here. And the American people are going to be asked to pay for it.

Now, it is time for a little fairness and equity here. I have introduced with the gentleman from Illinois (Mr. EMANUEL) a bill, the American Parity Act, which says that if the President is going to request $20.3 billion to provide jobs and rebuild the infrastructure of Iraq, schools bridges, roads, highways, water systems and dredge the ports, all things which he is not funding here in the United States, then we should have dollar for dollar matching for that under the American Parity Act and put people to work here in the United States, invest in our infrastructure, roads and bridges.

Now, I had someone say to me, well, wait a minute, you are proposing to make the bill bigger here to borrow. Yeah, that is right. We would borrow $20.3 billion to invest in our Nation in long-term projects, putting people to work today but also investing in roads, bridges, highways, water systems, things that will last us for decades.

Now, I do not object to borrowing money to invest in America and to put people into work in America, but I have a real problem with borrowing $20.3 billion to invest in the infrastructure in Iraq while ours is crumbling here at home.

The President has proposed a zero fund, no funding of the dredging of ports in my district and elsewhere around the country, yet he is proposing to dredge ports in Iraq.

The President has not proposed a penny for the Federal Government to partner in waste water systems, yet it is estimated we have a $16 billion annual deficit under Federal mandates in water systems that were being put in our communities from the party that said they were not going to send unfunded mandates.

Mr. Speaker, where is the money to help the communities meet those Federal requirements?

On Interstate 5 just in the State of Oregon, I know this goes on around the entire United States, we have a $4.5 billion bridge replacement problem. That would put a lot of people to work. But the President is telling the Congress that there just is not money to put into the roads and bridges and highways here in the United States, and he is trying to reduce the spending. We are at a stalemate over a new transportation bill because the President says there is no money to pay for it. But somehow we can borrow $20.3 billion to do those same projects in Iraq. When is the President going to propose to either fund or borrow the money to fund similar projects here in the United States of America? With the American Parity Act, if it were adopted as part of his proposal, we would fund, dollar for dollar, comparable projects in the United States, putting tens of thousands, hundreds of thousands of Americans to work and provide some fairness and equity and at least some return to the American taxpayers for their borrowing.

But I fear that this administration and the leadership of this House is not that interested in funding infrastructure work here in this country, but they are perfectly willing to borrow the money in the name of the American people to rebuild it in Iraq. It is a sad day for the United States Congress.

SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, I rise to address another serious security problem. It is retirement security. Let me read a quote from 1994:

''Failing to take prompt action on Social Security will burden our children and our grandchildren with benefit cuts and crippling taxes.''

That was part of my opening statement as chairman of the Task Force on

Social Security in 1994. When I wrote this almost 10 years ago, I was simply acknowledging what was evident to the actuaries of Social Security. Because we know how many people are paying into Social Security, and we can estimate the cost of future benefits from what has been paid in, the looming insolvency of the program was very clear then. It is even more clear today. Yet a crisis that is imminent in the eyes of an actuary looks like a long way off to many politicians, and as a result Congress has ignored and delayed action on what is probably this country's most serious long-term financial challenge.

In just 10 years, we will need $100 billion from other sources to make up $100 billion, that is 5 percent of what will be coming in 10 years from now from the total income tax revenues, we are going to need that much in addition to what is coming in on Social Security and Medicare taxes to pay promised benefits. It has been frustrating at times, but we have worked for more than a decade trying to focus attention on fixing Social Security.

I introduced my first Social Security bill back in 1994. In fact, I wrote it while I was still chairman of the Senate taxation committee in Michigan. Tomorrow, I will offer my sixth legislation that has been scored by the actuaries to keep Social Security solvent. The good news is, I think awareness has increased. There is a greater appreciation and an acknowledgment that Social Security is going broke. Today, most Members are aware of the problem, even if there is still reluctance to tackle it.

President Bush's support in the 2000 campaign, I think, moved us a long ways toward a greater American understanding of the seriousness of the problem, and tomorrow I will introduce my bipartisan Retirement Security Act that has been scored by the Social Security actuaries to keep Social Security solvent and restore its tremendous support for retirees in the United States. Workers could voluntarily devote 2.5 percent of their income for a start from their payroll taxes. It would be voluntary. And workers would own the money in the accounts, which can be put in well-diversified investments. In our bill, we guarantee that the individuals that opt for these personally-owned accounts will earn as much as those that opt not to go into that particular investment. The government would supplement the accounts of low-income workers to help build up those accounts for future retirement savings. People would continue to receive government benefits, as in the current system, as part of their retirement income, but those participating in the private account would have their government benefits reduced to reflect the money that goes into their private accounts. But, again, it would be insured.

To ensure fairness for women, a married couple's account contributions would be divided equally between spouses. My bill also increases the widow's/widower's benefit to 110 percent of the higher earning spouse's benefit and would give retirement credits to spouses who stay at home to care for young children.

In conclusion, there are some important costs to the bill which eliminates $10 billion in unfunded liabilities. It calls for a $900 billion loan over the next 20 years from government to Social Security in addition to repaying the trust funds that have been borrowed from Social Security and this will be repaid after the program becomes solvent. It also slows down the increase in benefits for the highest earning retirees. It does not, however, change benefits for those who have already retired or are close to retirement.

Action to preserve and strengthen Social Security is long overdue. By acting now, we can reduce the cost of restoring Social Security for our children and our grandchildren. By increasing the return earned on Social Security surpluses, we can make the transition to a better system cheaper and easier. The Retirement Security Act is my proposal along with my eight cosponsors to move forward.

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

EXCHANGE OF SPECIAL ORDER

Mr. ETHERIDGE. Mr. Speaker, I ask permission to speak out of order and to take the time of the gentleman from Illinois.

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

There was no objection.

PAYING TRIBUTE TO FALLEN FIREFIGHTERS, LAW ENFORCEMENT OFFICERS AND EMERGENCY MEDICAL SERVICE WORKERS

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

Mr. ETHERIDGE. Mr. Speaker, as the second anniversary of September 11 approaches, I rise this evening to pay tribute to our Nation's fallen firefighters, law enforcement officers and emergency medical service personnel. Mr. Speaker, every day public service officers protect our families and possessions from fire, they keep our streets safe and are the first to respond to an emergency. Across this Nation, our public safety officers are dedicated and prepared. They truly embody the values and spirit that make America the great Nation that it is. These men and women are dedicated, and when we call on them, they risk their lives for all of us. Our firefighters, law enforcement officers and EMS workers are truly our hometown heroes. However, all too often these heroes must give their lives in the line of duty.

For the family of these brave souls, Congress created the Public Safety Officers Benefit. Since its inception 25 years ago, this important benefit has provided surviving families with financial assistance during their desperate times of need. However, a glitch in the law prevents some families from receiving the assistance. Heart attacks and strokes are among the greatest threat to public safety officers, especially firefighters. In fact, almost half of all firefighter deaths in the line of duty are due to heart attacks and strokes. Fighting fire is dangerous, exhausting and extremely stressful work. Indeed, a firefighter's chances of suffering a heart attack or stroke greatly increases when he or she puts on the gear and rushes into a building to fight a fire. Likewise, law enforcement officers, correction officers and EMS workers face daily situations that put stress and strain on their heart. Imagine the scenario where, while fighting a house fire, a company of firefighters tragically loses two of its members. One is killed by a piece of falling debris. The other dies of a heart attack in the same building. Under current law, the family of the firefighter who suffered the fatal blow to the head receives their benefit, but the family of the heart attack victim receives nothing.

□ 2145

It is wrong that these families are denied this benefit when their loved ones are suffering the loss of a loved one in our communities.

A constituent of mine, Mike Williams, of Bunnlevel, North Carolina, who works for the Office of State Fire Marshal, alerted me to this glitch in the law after Ms. Deborah Brooks, the widow of Thomas Brooks of Lumberton, North Carolina, was denied benefits because of this technicality in the law. Mr. Brooks, a master firefighter with the Lumberton Fire Department, tragically died of a heart attack after returning from several calls on an evening shift. They found him dead the next morning.

As part of his duties with the state fire marshal, Mike helps families file for public safety officer benefits, and he has received many benefit rejection letters from the U.S. Department of Justice. This rejection letter in Thomas Brooks' case was one too many. Mike wrote to me and asked that we investigate the situation. We tried with other Members of this Congress to correct that technicality in the law administratively. We found out it could not be done.

During the last Congress, I, along with my colleagues, introduced the Hometown Heroes Benefit Act to correct this technicality in the Public

Safety Officer Benefit. This bipartisan piece of legislation will allow the families of public safety officers who were killed by a heart attack or stroke while on duty within 24 hours after participating in a training exercise or responding to an emergency situation to receive the benefits that they are due.

Last year, the Committee on the Judiciary and the full House unanimously passed it. Unfortunately, we were not able to move the bill through the United States Senate before adjourning, despite the strong support from several Senators of both parties.

Earlier this year, the gentleman from Maryland (Mr. HOYER), the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Ohio (Mr. OXLEY), and I introduced the Hometown Heroes Survival Benefit Act. The United States Senate has already unanimously passed a Senate bill, S. 459, a companion bill introduced by Senators LEAHY and GRAHAM.

Mr. Speaker, H.R. 929 is the kind of bipartisan legislation that we should be working on in this House. As of this afternoon, we have 273 cosponsors. I will remind my colleagues it takes 218 in this House to pass a bill. Both Democrats and Republicans are on board. More cosponsors are on the way.

I urge all of my colleagues to continue to sponsor H.R. 919, and I ask the House leadership to put this bill to a vote. It will pass unanimously. During this time of increasing awareness and concern regarding the threat of terrorism, we are calling on our public safety officers to work longer and harder than ever before. Our hometown heroes deserve to know that we support and appreciate their extraordinary bravery and heroism.

As we take time to remember those who were killed or injured in the attacks on September 11 this week, I urge my colleagues to support H.R. 919 and let public safety officers know we will continue to stand with them and with their families. We can do no less.

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

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

CHANGING FARM SUBSIDY AND TARIFF PROGRAMS

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

Mr. BEREUTER. Mr. Speaker, our good friend and very able U.S. Trade Representative, Ambassador Robert Zoellick, about to represent America at the WTO trade summit in Cancun this week, should be given a message and a mission. The message comes from this Member of Congress, a strong supporter of trade liberalization, one of the farm-state Members from the Great Plains and Midwest Caucus that together has been a strong and crucial force for trade liberalization over the years.

Mr. Speaker, here is the message with which we should arm Ambassador Zoellick on the subject of agricultural trade:

First, we must harmonize, we must have harmonization. That is to say, developing countries must agree to sharp reductions in their tariffs on agriculture imports, and developed countries like the European Union countries and Japan must cut their higher production subsidies proportionally more than the U.S. Large agricultural exporters classified as developing countries, like Brazil, also must steeply cut their agricultural subsidy.

Second, we must have an end to the large agricultural export subsidies of the European Union; and America can end its small export subsidies, which are used occasionally as a shot across the bow of the EU.

Third, we must insist that the European Union dramatically restructure its agriculture support programs by a greater delinking of subsidy programs from production at the same time as the U.S. proportionally makes the same adjustment in our smaller level of subsidy.

Mr. Speaker, the large subsidy and tariff barriers of the European Union and Japan, but also the United States, do more damage to the economies and domestic food production efforts of the world's developing countries than the combination of all the foreign aid programs of the developed countries and their NGOs. In the meantime, the American taxpayers and the taxpayers and food consumers of European Union countries pay a huge cost for the direct and hidden agricultural subsidies primarily caused by the EU's common agricultural policy.

Mr. Speaker, either we have that kind of dramatic change in foreign farm subsidy and tariff programs matched proportionally by our own, or Ambassador Zoellick should walk away from Cancun until the Europeans get the message. Let them squirm with the cost of their cap under an enlarged EU. American farmers and our small agribusiness firms will accept reform, but they are disgusted with the intransigence of the EU and the big and unfair disadvantage they face from the EU over export markets.

Ambassador Zoellick should know we demand a real substantial change from the EU, Japan, and other countries. We need to walk away from any inadequate or lopsided trade deal that is detrimental to the natural competitiveness of our farm sector; or, alternatively, the reliable pro-trade farm state block of Members will walk away from any further multilateral trade agreements Ambassador Zoellick might bring us.

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

A TRIBUTE IN HONOR OF DR. JEWEL LIMAR PRESTAGE: TEACHER, MENTOR, SCHOLAR, AND PUBLIC SERVANT

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

Mr. JEFFERSON. Mr. Speaker, I rise today to pay tribute to an outstanding American, Dr. Jewel Limar Prestage. Dr. Jewel Prestage is one of the first African American women to earn a Ph.D. She earned it in political science in the United States, and through her work and contributions since, has become one of the most important women of our times.

Through teaching, mentoring, research and service, Jewel Prestage has had a profound influence in the political science discipline, in the political life of our country and on the lives of the thousands of students with whom she has associated over the years. Her talent, dedication, and good works must not go unacknowledged or unappreciated.

As a distinguished professor of political science, Jewel Prestage has lectured at numerous institutions of higher education. Her service at two Historically Black Universities in the South, however, anchored her career.

For 18 years, Dr. Prestage served as the Chair of the Political Science Department at Southern University. During her tenure, this academic department became the nation's leading catalyst for the development of African American Ph.D.s in political science.

After 33 years of dedicated service, in 1989 Jewel Prestage retired from the Southern University system as the dean of its Public Policy School and of its Urban Affairs School. However, her retirement was short-lived, as Jewel Prestage joined the political science faculty at Prairie View A&M University, where she eventually became dean of the Benjamin Banneker Honors College. At Prairie View, she continued her impressive record of guiding students toward postgraduate education. In September 2002, she retired after a stellar academic career that spanned 46 years.

Jewel Prestage has been a pioneer in academic research in the area of race, gender, and politics. She was the first person to pursue research that focused on African American women legislators and the first to offer the theory of marginality to describe the political behavior of African American women.

Her book, ''A Portrait of Marginality,'' coauthored with Dr. Marianne Githens, has become the seminal work on minority women and politics and is

referenced by many who are concerned about issues of race and gender. She also pioneered early research focusing on the political socialization of African American children and youth.

As a leader in the discipline of political science, Jewel Prestage has served as an officer and on the executive council of many of the Nation's highly esteemed political science organizations. Her capstone accomplishment was her role in the founding of the professional organization, the National Conference of Black Political Scientists.

In recognition of her service and of her achievements, these organizations have honored her with their highest awards, including the National Conference of Black Political Scientists' Fannie Lou Hamer Award, the American Political Science Association's Frank Goodnow Award, and the Southern Political Science Association's Manning Dauer Award.

The Policy Studies Organization and the Southwestern Political Science Association have also elected to honor Dr. Prestage by creating awards in her name to recognize her outstanding academic achievement in the areas of race, gender, and politics.

Jewel Prestage has made many contributions in the field of community service and has been an outstanding community servant. In the late 1960s and 1970s, she worked to prepare many Southern politicians for the new public service opportunities that became available in the wake of the Voting Rights Act of 1965. A Democratic Party faithful, she has also served as a delegate and as an appointed member of the Judiciary Council of the Democratic National Committee.

While her distinguished career in higher education and public service has resulted in many achievements, Dr. Jewel Prestage's greatest legacy may be in the inspiration she has provided to the thousands of students she has taught and mentored. Her former students have obtained many accomplishments and can be found throughout academia, the business sector, and the government.

Former students have organized academic awards and scholarships in recognition and to honor her lifetime achievements. I am proud to say that Dr. Prestage was my teacher and my dean and she has had a lasting influence on my pursuit of public service. I will be forever grateful to her for what she did for me personally and for so many others like me.

When the life of a person exemplifies such a strong commitment, others often wonder about the source of their inspiration. Throughout the years, it has become clear to many that Jewel Prestage has a deep and abiding commitment to the advancement of her community. Through her activities at Southern University and Prairie View A&M University, she encouraged students to be the best that they could be so she could help them help their communities and help them to help our country meet its need for more African Americans with professional and graduate degrees.

Jewel Prestage cares deeply about the diversity issues in America and believes that one way our future can be secured is by producing more committed individuals who can give back to the community while serving as an inspiration to young people.

Her activities in the public sphere have been encouraged and supported by her loving husband, Dr. James Prestage, and their five children: Terri Prestage-White, James Grady Prestage, Eric Warren Prestage, Karen Prestage-Washington, and Jay Wilkins Prestage.

Her efforts merit our great appreciation and our respect. I commend Dr. Jewel Prestage for her dedication and personal sacrifice that has generated so many positive experiences and wonderful memories for so many thousands. She is an outstanding model for our Nation and an excellent example of one person who has truly made a difference in our lives, in our community, and in our Nation.

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

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

CONDITIONS IN IRAQ

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

Mr. BURGESS. Mr. Speaker, I wanted to come tonight and tell you about a trip that I took at the end of August to the country of Iraq. I spent several days over in Baghdad, Tikrit, Mosul, and Babylon.

When I got back to this country, Mr. Speaker, I turned on the evening news at night and heard one of our national anchors talking about the situation in Iraq, and I thought for a minute I must have gotten on the wrong plane and ended up on the wrong planet, because I did not recognize the country he was describing, the country that I just left.

So, Mr. Speaker, I thought it was important to come address the House tonight and to let the House know what in fact is going on in Iraq and to let people in on the good news that is happening in that country since we liberated it.

In general, Mr. Speaker, when you get over there and look around, you are struck by the fact that life is going on as normal. The markets are active. There are cars in the street. In fact, we saw a couple of traffic jams, which certainly indicate a return to civil society.

Mr. Speaker, there are satellite dishes now on the rooftops of many of the houses and apartment buildings. I would estimate 25 to 30 percent of the domiciles have satellite dishes, and just 4 months ago those were illegal under Saddam's rule.

Mr. Speaker, our troops on the ground have done an exemplary job, and currently there are approximately 5,000 projects that have been completed by the United States military.

□ 2200

Mr. Speaker, the police force, the Iraqi police force is truly a success story. This movement has been led by Bernard Kerik who, just 2 short years ago on 9–11 in New York, was the police commissioner and amazed the city with his outstanding leadership during that time of crisis and no surprise, he has been able to provide that same leadership in Iraq. His mission there was to teach the Iraqis how to learn to do police work in a free and democratic society. Previously, all of their police work had been based on brutality and corruption. Mr. Kerik has turned out over 37,000 Iraqi policemen back in uniform. He expects to be able to get 65,000 within the next 6 months.

Mr. Kerik has gone from zero to 35 precinct stations in Baghdad in a mere 14 weeks' time. He told us that given the present state of the bureaucracy, it would take him several years to accomplish that. He has made dramatic improvements in information technology, in communications but, most importantly, his training program stressed police work, police procedure, human rights, criminal investigations and, again, not the previous framework of brutality and corruption.

Mr. Speaker, the sad fact of the matter is that the governance in Iraq, 30 years of Saddam destroyed all sense of community. There is not much of civil society left. But town councils and city councils now exist in 90 percent of the towns and villages in Iraq. The new governing council that the coalition provisional authority is standing up has been drawn from all regions of the country. They are having a preparatory convention which will be followed by a constitutional convention, which will be followed by elections. No one is absolutely sure of the time line, but 12 to 24 months was the impression that we were given.

Mr. Speaker, probably the most searing aspect of my trip to Iraq to me as a doctor was my visit to the hospital. We also were privileged to go in several of Saddam's palaces and we were struck by the opulence. I will tell you the architecture was awful, but the opulence was striking. But contrast that, Mr. Speaker, to the large teaching hospital in downtown Baghdad, a 1,000-bed hospital where they do not even have linoleum on the floor. There are no medical gasses in their neonatal intensive care unit. They could not give oxygen to a baby if they wanted. Mr. Speaker, the sad fact of the matter is that under Saddam, per capita medical expenditure in Iraq was 50 cents

per person. This has increased 9,000 percent to almost $50 a person under the coalition provisional authority.

Just as striking, a member of the first marine expeditionary force told me a story about having gone into a medical library, he is a registered nurse, Lieutenant Colonel Keller was his name. He had gone into a medical library in Iraq and not one textbook had a copyright date later than 1984. Clearly, this is a country that has suffered massively as far as its infrastructure is concerned.

But, Mr. Speaker, I wanted to relate to my colleagues the good news. I wanted to relate to my colleagues what General Ricardo Sanchez told us while we were there. He talked to us about 90 days of progress that has been made in the country of Iraq. He pointed out that schools have concluded their school year and have conducted testing. They are beginning a new school year this month. Mr. Speaker, 90 percent of the major cities and towns have functioning town councils, and over 50 Iraqis are contributing to their own security in their Army independent of those who are already in the police force. Their prisons are on the verge of reopening. Their judicial system is functioning. Food distribution is occurring. There was no humanitarian crisis in Iraq. Their hospitals are functioning, below standards, but far better than they were before; and, most importantly, 4¼ million children were immunized. General Sanchez pointed out, and this is very important, Mr. Speaker, all of these things have happened within 90 days in Iraq. None of these things had happened within a year after our arrival in Kosovo.

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

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

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

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

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

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

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

(Mr. BEREUTER 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 the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON 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 Florida (Ms. HARRIS) is recognized for 5 minutes.

(Ms. HARRIS 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 gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

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

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

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

IMMIGRATION POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, although there are some signs that the Federal government is beginning to show some attention to, and there are some signs of progress actually in our efforts to reform the immigration system and to, in fact, increase the degree of security that we have on our borders after 9–11 and, I should say that these are very small steps, but they are steps that have been taken, and we should recognize them. The fact is that we are in the process of improving the technology that we can use to make sure that the people coming into the country as visitors are who they say they are. There is both software and hardware that have to be in place now, but at least we are moving in that direction. Recently I found that we are building some barriers on the southern border, especially in and around the Douglas, Arizona area. Hopefully, these barriers will be there to protect the national parks from being inundated as they have been for some time now by hundreds of thousands of people crossing that border, and coming into the United States illegally.

There was a terrorism conference not too long ago in, I believe it was in El Paso, Texas, and several members of the administration actually recognized, actually stated, that there were problems with our immigration policy, especially as they reflected upon the security implications of this country after 9–11. That in and of itself is a very good sign, a very good sign. Somebody is at least willing to talk about the security of our borders. I think, in fact, the phrase used at the security conference down in Texas and the phrase used by a representative of the administration was that the borders are ''our first lines of defense.'' Now, of course, we have stated that on many, many occasions. Those of us who are concerned about this issue have used those same words now for several years. But it is indeed heartening that we are hearing them being repeated now by members of the administration.

Recently I had an opportunity to visit the southern border. I went down during our August recess, I went down to Brownsville, Texas and spent some time down there looking at our border operation, actually going out on patrol with members of the Border Patrol. We went down the Rio Grande River in the evening and watched as we implemented Operation Gatekeeper and other similar types of endeavors that are designed to tighten up border security on the southern border. And I must tell my colleagues, Mr. Speaker, I was encouraged by what I saw. I saw a lot of dedicated people working very, very hard to make sure that the borders of this country are maintained, defended, and enforced. I had the great opportunity to speak to maybe 100 or so Border Patrol agents who were about ready to go out on muster, ride after muster, I should say, and wished them well and encouraged them in their efforts and, to a person, they encouraged me to continue the efforts here in the House of Representatives to encourage my colleagues to pay attention to this issue, to become involved regardless of how unpleasant we may find it to be when we get involved in this issue.

There are a lot of people, of course, who shy away from it because of the political ramifications that they fear. But there are ramifications to the country that are far more severe and far more serious than the political ramifications to someone's career here in this House.

So I was encouraged, and I have been encouraged by a few things I have seen. Now, we are a long, long way from saying that things are good and that the

momentum has shifted away from open borders, away from a position that essentially is everybody who can get here can get in. I should say that we are a long way from touchdown. There are a lot of things that need to happen at the Federal level. But what is now becoming even more disconcerting, what is now becoming a focal point and should be a focal point for a lot of our attention here in this House, is the situation that is developing throughout the States and in some localities throughout the country.

There is a publication that has been put out recently by the Federation for American Immigration Reform called the State of Insecurity, how State and local immigration policies are undermining homeland security, and I will be quoting from it liberally this evening, because I think it needs to be brought to the attention of our colleagues and to the Nation.

What we are seeing is that even though the Federal Government is inching forward toward trying to reform the immigration process in this country, and toward trying to gain a certain slight degree of security on our borders, we are watching States and localities go in just the opposite direction.

And there are, of course, certain well-known and well-documented stories and situations that we have heard about recently that I will be talking about in just a minute or two. But I will reflect upon these things and what is happening at the State level, and first we should talk about these things called sanctuary policies.

Sanctuary is a term that has been now applied to cities throughout the country that have adopted certain regulations and passed certain ordinances, all of which were designed to essentially protect the immigrant, the illegal immigrant population of their city or surrounding areas. This is happening, and there were cities that have done this in the past, College Park, Maryland and a couple of others on the eastern coast who call themselves sanctuary cities and actually passed legislation prohibiting their local police and law enforcement agencies from helping INS enforce the law. They have gone farther than that. Some cities have actually gone to the point of saying that if you are simply a resident of the city, you can vote in municipal elections.

Now, being a resident of the city, that is all that is required in some of these sanctuary cities. All you have to do is show that you have a utility bill, for instance, proving your residence and you will be able to vote. That is part of the problem, certainly, these cities that are doing things like this. New York City had something like this on the books for some time. They passed it back in 1989. Actually, it was a mayoral decree and it was specifically designed to obstruct Federal immigration law enforcement.

Now, it is amazing that even after 9–11 and New York City being Ground Zero essentially for the terrorists, there was still a reluctance on the part of the city to repeal that particular order. It got to the point where eventually, the U.S. Supreme Court refused to overturn an appeals court ruling against the city's noncooperation policy that Mayor Bloomberg reluctantly rescinded the policy. However, a bill was submitted to the city council in New York in July of 2003 which seeks to resurrect the sanctuary policy by providing a provision banning city employees from reporting illegal aliens to local police and Federal authorities.

This comes at a time when we even know that several of the hijackers, several of the terrorists, the 9–11 terrorists were, at one time, in fact, stopped for, it turned out to be, motor vehicle violations, traffic violations, and because there was no database against which they could be checked, because some of these people were actually on terrorist watch lists; but because there was no cooperation, we were unable to detain these people, even though some of them actually, as I say, were on a terrorist watch list, but nobody knew about it when they stopped them. The police in the local area stopped them for running a red light or whatever it was for, but did not know that they were also on a terrorist watch list.

□ 2215

When you recognize that this kind of problem exists, when there is no communication among law enforcement agencies, when you also understand that there are national security implications to these sanctuary laws, there are implications certainly to laws which say that local police will not help enforce immigration policies, will not cooperate with the Federal Government.

Here in Washington, D.C., another ground zero, Police Chief Ramsey took pains to reassure the Latino Lawyers Association that the police were not backing away from a 1984 executive order that prohibits D.C. government employees from getting involved in immigration matters. Washington, D.C. is another sanctuary city. We actually have passed laws, Federal laws. In 1996 a provision was added to an appropriations bill which specifically dealt with this and said that no city or State would be allowed to impede the flow of information to the INS or restrict the flow of information from the INS. That is a law on the books today. Of course, there is no enforcement mechanism and, as a result, cities ignore it. Cities all over this country simply thumb their nose at the law because they know that there is nothing that the Federal Government can, under the present statutes, do about it.

You may recall, Mr. Speaker, that I introduced an amendment to an appropriations bill, to the appropriations bill that we were passing for Homeland Security and another one later for the Department of Justice. Both of my amendments were designed to put some teeth into the law that is already on the books and say that if you violate the law that we already have on the books, if a city does that, if it stops the flow of information to the INS or restricts the flow of information from the INS to their local police officers, that they could not apply for Homeland Security grants or grants from the Department of Justice. We got about 120 votes for that for those two amendments.

And there was a lot of hand-wringing and consternation expressed by Members of the body over the fact that we were talking about this, and we should probably not be because it is like many immigration issues, and who wants to talk about an immigration issue when we know that there is all this great amount of emotion tied up in the discussion itself. So the amendment went down. But it is amazing to me that we do have, in fact, laws on the books which we choose in this body not to enforce.

I am sure that many people went home and said, well, I voted for the law that says they cannot do that. I voted for the law that says you cannot stop that kind of information, but they did not want to do anything that would actually make that law be able to be enforced.

Next we come to the issue of driver's licenses or as they are referred to, ''the keys to the kingdom.'' Two years after 19 people used State-issued driver's licenses to board four airplanes and turn them into weapons of mass destruction, it is still possible in many States for anyone to acquire these documents, regardless of immigration status. Even though Virginia, New Jersey, and Florida have tightened up on it a little bit since 9–11, many other States still have very lax laws regarding who can obtain a driver's license from their State.

In the absence of a uniform Federal document, State-issued driver's licenses serve the function of providing identity. In addition to granting permission to operate a motor vehicle, the licenses are used for banking, for check cashing, for boarding airplanes, for demonstrating proof of employment eligibility, and many other purposes. They are also accepted by immigration inspectors for letting U.S. travelers return to this country after traveling to Canada, Mexico or a Caribbean destination that does not require a U.S. passport for entry. Thus, it is crucial that States recognize the vital national security role that these documents have come to play. Hence we call them, as I say, ''the keys to the kingdom.''

If there was any question about this, the 9–11 attacks should have put it to rest. All 19 of the 9–11 terrorists possessed one or more of State driver's licenses which they used to blend in, rent apartments, open bank accounts, and ultimately to board airplanes that they intended to crash. Yet, not only are driver's licenses still available to illegal aliens in some States, several

States are loosening restrictions on obtaining driver's licenses, and even explicitly spelling out that they will permit illegal aliens to receive them.

Of course, on Friday last, at 6 o'clock Pacific Standard Time, the Governor of the State of California signed a bill allowing illegal residents of California, illegal aliens who reside in California, and there are three to four million right now, allowing them to have driver's licenses. He did so on Friday late in the day, and the original notice of the fact that he was going to do this, a press advisory went out only to the Spanish-speaking media. Apparently, he wanted to avoid having to confront this from the standpoint of what the rest of the States would have to say about it in the hopes that he would be able to encourage and obtain votes to essentially stop the recall in California and to support him in his effort to stay in office.

Now, these are things, these are actions that are being taken by States that I believe should not go uncontested.

Mr. Speaker, I am essentially a States' rights person. I believe the States have great sovereignty. I have fought for it for all of my career in politics. I believe the Federal Government often usurps a lot of States' rights, and I would not in any way support that kind of arbitrary activity on the part of the Federal Government. But the actions taken by these States, and some of these cities, in allowing illegal immigrants the access to documents that then allow them into our society and allow them to do things that, if they have the intent to do harm to the United States, can certainly make it easy.

And, therefore, this is not just a States' issue. This is a Federal issue. We should be concerned about this at our level here. We should take some action to try to assure that in the absence of any sort of Federal identification process, that the next best thing, which is the driver's license, a State driver's license is, number one, a valid document and, number two, is not a document that can be given to people who are residing here illegally.

Now, there are not a lot of ways that the Federal Government can force States to do this. Because if we could pass a law saying States should not do it, as we have seen with the 1996 bill, States and localities will do it if there is no penalty. So we have to look at the penalty side of things. The penalty side of things almost always comes down to money.

So I have introduced today a bill that will begin restricting the availability of funds, of Federal highway funds to States that, in fact, allow illegal aliens in their State to obtain drivers' licenses. I will also be looking at other ways of dealing with this, maybe trying to restrict grants under the Homeland Security Act. There are a couple of other things we can do, but, again, it usually turns to the use of funds to get States to do the right thing.

This all, this whole issue of the drivers' licenses is coming on the heels of another sort of peculiar document that is being accepted by a lot of States in the Nation and local governments and some private corporations and private banking institutions. It is something called the matricula consular. It is a foreign government's ID that they give to their nationals who reside outside of countries of their own. The matricula consular is the card that the Mexican Government distributes to its nationals living in the United States and other countries. Of course, they have the absolute right to do that. No one is suggesting that a country does not have the right to hand out whatever kind of identification they want to their nationals. But what they have done, beyond that, is to begin a process of lobbying State and local governments in the United States to get them to accept the card. And they have gone, as I say, to the banking industry and other private entities to get them to do the same thing, and many banks have done it. Many banks have agreed to accept the matricula ID as a form of identification when somebody opens up a bank account.

Now, we have an enormous amount of problems with identity theft. We have an enormous amount of problems with people who use the banks to launder money, to launder drug money, to do a whole bunch of things, and trying to keep track of them is difficult. When you now allow people to obtain a card, which is by the way easily obtained, there are actually, Mr. Speaker, this is an interesting little aspect of this, but there are machines in Los Angeles and Chicago, machines similar to ATM's, I think most of them are by Mexican Consulates, but you can go up to this machine, you punch in some information and it will produce for you your Mexican birth certificate, which you then bring to the consulate and they will give you your matricula consular which you then take and, once again, start the process of entering into American society.

It is all too easy for people to do this. And for people to do this, especially people who have ill intent, people who have designs, people who have the desire to do very bad things to the United States. People who have the desire to change their own identity. Felons who are here, even American citizens who are felons can use this process and have, in fact, used this process to change their own identity and make them, when they get stopped by the police and the police are told by their city council that they have to accept the matricula consular as a legitimate form of ID, this person is, of course, allowed to go free.

We have arrested people coming into the country illegally. We have arrested them and on their person found many matricula consular cards. Recently we found an Iranian coming in with a Mexican matricula consular card. These are easily obtained. People are actually going around door-to-door and selling them in Los Angeles. The Mexican Consulates are distributing them through vans that they send out in the streets of Chicago and other places. They are in no way, these cards are in no way valid forms of ID and should never be thought of as such, and the Government of the United States and certain departments, the Department of Justice, the Department of Homeland Security, have said the same thing. They have said you cannot and should not use these things. They have told the Federal Government that we should not do it. We are still wrestling with the Department of State and the Department of the Treasury who are not so sure about this thing. But the departments who have been charged with the security of this Nation are sure that these are not valid documents and should not be used by any government agencies, by any State or local agency and certainly should not be used by banks for the purposes of identifying people who are opening up accounts.

In California, the bill that was just signed by the Governor says that one of the things that you can use to get your driver's license in California, because up to this point in time California required that you have a Social Security number to get a driver's license. Well, although not perfect, it was a fairly good way to make sure that the people you are talking to are the people that they say they are and that they are here legally. Not always, but for the most part that is one form of identification that helps us make that determination.

□ 2230

Twice before, bills of the same nature were passed by the legislature in California; and twice they were vetoed by the same Governor, with this reasoning. He said there were not enough security measures in the bill so as to make sure that they could avoid the problem of misidentifying people who are then obtaining drivers' licenses and getting them fraudulently.

The bill that he recently signed had that in there for a little bit, had some security provisions in there; but they were all stripped out because of the pressure from the immigration lobby, and so the bill he got simply says this, that in order to get a driver's license in California, you can use your Social Security number, or a variety of other things including the matricula consular. You can now obtain a driver's license in California by getting a card from the Mexican consulate that says you are who you say you are.

By the way, Mexico is not the only government that does this. It has become very successful. This is a way of getting around the fact that we have not given amnesty to illegal aliens in the United States, and so the other countries are now naturally following suit. We have got several countries, mostly Latin American, South and

Central American countries that are also handing out matricula consular and using them for exactly the same purpose.

Not too long ago, we got, I believe it was the embassy in Managua if I am not mistaken, sent a memo to the Secretary of State and said, by the way, the government here is looking at how to implement a matricula consular, and we want to sort of help them out; and they were looking for a guidance from the Secretary of State here as to how they should help them because in that particular country, country that they were in and was going to give this matricula, the way that someone proves their identity is to have two other people swear that is who he says he is. I am Joe Blow and you get people to say, yeah, that is right, that is proof of identity; and, therefore, you can get a matricula consular. In California, you can then use that card to get your driver's license, and from a driver's license we know what happens. From a driver's license, I mean, this is the passport into American society.

So in all of our efforts to try and actually do something about the porous borders that we have, do something about the fact that there are enormous national security issues revolving around the fact that we have people coming across our borders without our permission and we do not know who they are, even though we are trying to do something about that, these little steps I mentioned earlier on, we are seeing States like California and others do just the opposite, making it 10 times more difficult for the Department of Justice, for the Department of Homeland Security to do their job; and what they are really doing, Mr. Speaker, is running their own immigration systems.

What we have got here is a situation where it is not just the Federal Government determining the policy of who comes in and for how long and for what purpose and exactly who they are, but now every State in the Nation is developing their own immigration policy or certainly could follow the lead of the States that are doing it, and cities throughout the Nation are doing the same thing. They are adopting immigration policies. How many are we going to have? How many are going to be enforced? It makes a sham of the entire immigration system, or perhaps I should say lack thereof.

There are, I think, Mr. Speaker, obvious implications to lax border enforcement and confused immigration policy. After 9/11, we should be enormously concerned about it. Even those people who have been reluctant to support immigration reform in the past should be willing to support the national security agenda that includes a tightening up of immigration policy.

So I really hope and believe that it is the responsibility of this Congress to take some action, to help really pull back, if you will, the immigration policy decisions into this body and into where they belong and restrict States and local governments from setting their own immigration policies and their own course. That is probably next if this kind of thing goes on.

Tomorrow and the next day, of course, there will be many things here around the Nation's capital to mark the second anniversary of the 9/11 tragedy; and along those lines, we will be having a press conference at 11 o'clock here on the Capitol grounds, and it will be primarily to look at the fact that 9/11 and the tragedy of 9/11 did have some immigration-related issues that we should look at; and there is a gentleman by the name of Peter Gadiel who is head of a group of survivors of 9/11, people who lost family members in the tragedy in New York City, who will be speaking and who will be talking about the danger our porous borders creates, especially in terms of our ability to try and maintain some level of national security. So, Mr. Speaker, I hope that there will be a good attendance there and also that we will get some national attention drawn to this issue because I think it certainly does merit that kind of attention.

IRAQ WATCH CONTINUES

The SPEAKER pro tempore (Mr. KING of Iowa). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEFFEL. Mr. Speaker, we come to the floor again this evening as part of the Iraq Watch. For the last 2 months or so, four of us have been coming here the first evening that the House is in session each week to talk about Iraq, to talk about the policies that we think are flawed, to suggest new policies that the Nation might pursue, to ask questions about our policies and involvement in Iraq that we believe the American people need to know about and that Congress needs to know about.

The four of us who have done this week after week include the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from Illinois (Mr. EMANUEL). We have been joined each week by several others, and we look forward to the discussion this evening and to continuing this each week until our involvement in Iraq has been clarified and stabilized and until we get answers to some of the questions that we think Congress is entitled to and the American people are entitled to.

Mr. Speaker, this past week the President has announced his budget request for our occupation in Iraq for next year totaling $87 billion, a much higher figure than anticipated, on top of the $79 billion appropriated by Congress just this past April for the 2003 budget year. This requested $87 billion for 2004 would make our national investment over about a year-and-a-half period of time $166 billion, and every Member of Congress wants to make sure that we do right by the brave soldiers that are stationed in Iraq today. Every Member of Congress is determined to do right by the troops in the field, to make sure they get the support that they need, the resources they need, the equipment, the reinforcements, the supplies, everything they need to fulfill their mission as safely as possible.

So the debate that Congress will have over the next 2 or 3 weeks regarding the President's request for $87 billion will not be about supporting the troops in the field, because we all want to do that; and we are all prepared to do that. What we will ask questions about is the President's vision for Iraq. He wants $87 billion. I believe Congress is entitled to the benefit of his thinking to know what he plans and what his administration plans to accomplish in Iraq and how he is going to do it.

We owe those questions and deserve those answers, not just to Congress, but to the American people. It is their tax dollars being spent. It is their sons and daughters who are fighting in Iraq; and in a very tragic sense, their sons and daughters who are dying in Iraq, and this Congress needs to know some of the answers.

Fundamentally, we need to know what the plan is. We need to know what the exit strategy is. How long will we be in Iraq? What are we trying to achieve? How will we know when we have achieved it? What standards can we set for ourselves? What are we trying to accomplish? What yardsticks can we use to determine whether or not we are succeeding, whether or not more troops will be needed, whether or not more money will be needed down the road?

So I would suggest four areas before I turn to the gentleman from Massachusetts (Mr. DELAHUNT). Let me suggest four areas that I would like to see the President give information to the Congress.

The first would be regarding the military operations and occupation in Iraq, how long does the President believe that our troops will be needed, how much money will be needed, not just next year but in the foreseeable future to support those troops and how many more troops will be needed to fulfill the mission. I should point out that the civilian leadership of the Pentagon last spring estimated by this time, by September of 2003, we would only need 40,000 American troops in Iraq. Right now we have 130,000 American troops in Iraq; and clearly, that is not enough. So we need a better plan. We need to know how many troops, how long will they be here, and how much will it cost to support them.

Secondly, we need to ask the same questions and get the same answers about the reconstruction of Iraq. How long will it take to get the lights back on? How long will it take to get clean water to the villages and the cities of

Iraq? How much will it cost America to finance the reconstruction? When can we anticipate Iraqi oil revenues coming on line to pay for Iraq's reconstruction itself? How many more personnel from America will be needed, whether it is architects or engineers or teachers or government experts or lawyers? How many more personnel will be needed to move the reconstruction and the new governance forward?

Thirdly, how quickly can we internationalize the operation? I think this is a key to our success in Iraq. We have got to bring forward our allies, United Nations, other international organizations to help pay for the reconstruction and to provide their resources and assets and expertise for the reconstruction, as well as for the military security challenges. Many of us have thought that the U.N. should have been brought in months ago to be put in charge of the reconstruction. Many of us felt that NATO should have been brought in months ago to be responsible for security, but we need to know what the President's plan is, how does he foresee the internationalizing of Iraq, if he foresees that at all. This is something that we need to know.

Finally, the fourth point is, when will Iraqis be back in charge of Iraq? Clearly, America cannot run Iraq into the indefinite future. It has been said since we almost unilaterally won the military victory that we now own Iraq, Iraq is ours. I am not sure we want that to be our approach to this. We cannot own, run, dominate, occupy a foreign country for long. That is not what America is about. We will fight for freedom, we will fight to liberate, we will fight to disarm murderous tyrants. We will do many good things to help people around the world, both to help people around the world and to protect our own national interests; but occupying a foreign country for a long period of time is not what this country is all about.

So how will we get Iraqis back in charge? What do we need to do to get them back in charge? What kind of training do they need? How can they support a democratic government when they do not have a history of democracy?

□ 2245

What do we need to do to build the institutions of liberty to help them support a democracy? What do we need to do to establish a free press in Iraq, the rights of free speech, the traditions of free speech? How do we make a corruption-free and open court system in Iraq? How do we help them write a constitution? How do we get all segments of Iraq to participate in a representative government, a pluralistic government, and a democratic government? How long will it take, how do we do it, what yardsticks can we use to measure our progress?

Mr. Speaker, these are the questions I believe that Congress needs to ask of the President. These are the questions I hope he will be eager to answer. He wants $87 billion. It is a great deal of money. We want to do right by our American troops. We want to do right by our commitment to freedom and liberty around the world. But doing right requires us to know what we are doing and to do right by the American taxpayer as well. And so we will be putting these questions forward, and I hope that we will be getting prompt and full and complete answers from the administration.

Mr. Speaker, at this point let me turn to my good friend, the gentleman from Massachusetts (Mr. DELAHUNT), who has been a leader in the Iraq Watch and a leader on the Committee on International Relations and welcome him to this discussion. We look forward to his comments.

Mr. DELAHUNT. Mr. Speaker, I thank my friend and colleague, the gentleman from Pennsylvania (Mr. HOEFFEL), who has led this particular conversation for some many weeks now.

My memory is that last week there were reports in many of the leading newspapers in this country that the President would come forward with a supplemental budget in the neighborhood of some $80 billion; and this past Sunday, the American people and Members of Congress learned for the first time that that budget request would be for some $87 billion. That is an astounding figure.

Clearly, we are on the verge of adding to a deficit that was estimated for the fiscal year of 2004 to be some $480 billion. The way we are heading, it is now in excess, with this request, of some $540 billion. That is disturbing, the long-term implications for what we have to look forward to in terms of an economic recovery. $87 billion, I think it is interesting to note, exceeds the following that were items in the President's budget.

This $87 billion we have discussed here is a supplemental budget. This is in addition to the $79 billion that this Congress approved, it seems like just a short time ago, though it was several months ago. The entire request for the year for homeland security was $41 billion. This supplemental request is double that amount. More than double.

Health and Human Services, $66.2 billion. And that $66.2 billion, we should note, includes $27 billion for the National Institutes of Health, which is so critical to advancing discoveries for such scourges as cancer, heart disease, et cetera, et cetera.

This $87 billion supplemental request exceeds the total amount allocated or budgeted for the Department of Education. The Department of Education budget was some $53 billion.

It is almost three times the amount that has been appropriated for the State Department in foreign aid. That figure is some $27 billion.

For highway and road construction in the United States, $30 billion.

The only aspect of the President's budget that this particular supplemental request does not surpass are the proposed tax cuts of some $107 billion.

This says to me, and I know it says it to my friend as well, that the costs were vastly underestimated; and now we face a difficult moment in our economic life where this recovery, if we can call it a recovery, is certainly a jobless recovery. This past month, in August, it was reported that here in the United States an additional 93,000 jobs, American jobs, were lost. This supplemental request of $87 billion certainly will not add to the number of jobs and the number of Americans that are employed.

Mr. HOEFFEL. If I may reclaim my time, Mr. Speaker, for just a moment, the President has recently said that he will be advocating to make the 2001 tax cuts permanent. If the gentleman will recall, that tax program was too big to fit into the 10-year budget program that the Republicans put forward, so they sunsetted most of those tax cuts. But now the President wants to make them permanent, which will lose another trillion or so of revenue over the next 10 years.

I wonder if the gentleman has ever before noticed, in his study of history, a time when America was at war, where, when we asked for sacrifices from the American people, those sacrifices were limited to the middle-income and low-income people who are receiving frozen or reduced government services and, of course, are bearing most of the cost and burden of fighting our battles in Iraq, while the wealthier Americans are actually being asked to sacrifice by getting a tax cut?

Mr. DELAHUNT. Well, Mr. Speaker, if my friend would yield for a moment, of course that is absolutely aberrational in American history. In fact, during World War II, President Roosevelt asked the American people to accept a tax increase. We are not here even suggesting that this evening. But I think what we have learned is, unfortunately, the estimates that have been put forth by the administration were absolutely inaccurate, underestimated, and represented a scenario that was totally unrealistic.

I would remind my friend that Under Secretary of Defense Wolfowitz, back in March, told Congress that, and I will quote him, ''We are dealing with a country that can really refinance its own reconstruction, and relatively soon.'' And relatively soon.

What I find fascinating is that this Congress, on a bipartisan basis, is expressing its dismay. To quote from a story that appeared in the September 9 issue of The New York Times, and this is when representatives of the administration were appearing before a Senate committee, a prominent member of that committee, Senator MCCAIN of Arizona, was dissatisfied with an answer from Mark Grossman, the Under Secretary of State for Political Affairs on how long it would take for more troops from other countries to arrive in Iraq

under United Nations auspices: ''I am not asking for precisely what day,' Senator MCCAIN said. 'I am asking of a matter could you tell me years?' Mr. Grossman replied that should the Security Council resolution pass in the next few weeks, I can't imagine that it would be years. 'that precision is not really satisfying,' said Senator MCCAIN.''

The level of incompetence in terms of the postwar, postmajor come-back phase, I should say, of what would be required of America, American taxpayers and American military personnel, the magnitude of that incompetence can only be described as colossal; and it has cost America its sons and badly needed revenue to meet our own domestic needs. As I indicated earlier, when I was reading through the monies available for Homeland Security, for Health and Human Services, for Education, for the functioning of the State Department in foreign assistance, this supplemental budget, by itself, exceeded all of the monies allocated for those needs.

What we know now and what we should have known is that you simply cannot have tax cuts, guns, and butter too; yet here we are tonight faced with a proposal that is really a price tag. There is no plan. The questions that the gentleman posed earlier in terms of how long will our troops be required there, when will Iraqis assume control of their own destiny and devested with the power that is necessary have not been provided.

I think that the White House and the administration and the Department of Defense have to be prepared to respond to those questions. Otherwise, I cannot imagine this body and the United States Senate approving a request that would provide the White House with a blank check. It just simply will not fly.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for his comments. Eloquent as always.

We have been joined by our colleague, the gentleman from Washington (Mr. INSLEE), and we welcome him.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, I am pleased to participate in this discussion.

I think a preliminary question the U.S. Congress needs to ask itself is what role we have in acting as stewards for the taxpayers' money in this regard for $87 billion in expenditures.

It seems to me that we ought to really scrupulously evaluate how effective this administration and their team has been to date in fulfilling its warrants to the American people in regard to the Iraqi situation. It is important to know whether this administration has been so accurate, so complete, so well-planned that, frankly, Congress ought to just give the administration a blank check and let it run. So I want to spend just 2 minutes evaluating the performance in that regard.

□ 2300

Mr. Speaker, the administration allowed the American people to believe Saddam Hussein was behind September 11. As far as we know, according to the commission established for that purpose, that was wrong. The Bush administration led the American people to believe that Iraq was in cahoots with al Qaeda. According to information we now have, that was wrong. The administration told the American people that Iraq had literally hundreds of tons of chemical and biological companies. That may or may not be wrong, but to date appears to be. The administration told the American people that Iraq had sought to get uranium from Africa. That was wrong; in fact, fraudulent on someone's behalf. The Bush administration told the American people that troops would be welcomed with rose petals and open arms when they got to Baghdad. That turned out to be wrong.

The administration told the American people that this would be largely a self-financing operation, as the gentleman from Massachusetts (Mr. DELAHUNT) indicated. Mr. Wolfowitz said in a short period of time, the oil would flow, the dollars would grow, and the American taxpayers would not be on the hook.

This administration's record on its warrants to the American people is sadly lacking. In that context, it seems to me the U.S. Congress ought to not only ask serious, probing questions of the administration, it ought to set conditions on the expenditure of money that it may appropriate in this regard. Questions are not enough. Conditions are needed because this is a significant sum of money, $87 billion. The entire Marshall Plan was $100 billion. This is not a Marshall Plan, it is a partial plan because it lacks two very crucial elements.

Mr. DELAHUNT. Mr. Speaker, I call it the no plan.

Mr. INSLEE. I think it is important to be generous in the spirit of bipartisanship. I will say partial plan because it lacks two important elements.

Number one, it lacks a sincere effort to bring the international community into this effort. This administration, for reasons that are passive understanding, has had a sincere desire to be as unilateral as possible all of the way through this effort, and they have burned bridges every possible way. And now what we see to date when they finally say maybe we have to do something to rationalize this, they offer a fig leaf.

We need full international participation in this effort because Iraq is not a prize to be won, it is a burden to be shared, and both taxpayers and our military should be sharing that burden with the rest of the world rather than exclusively having the United States shoulder it. There ought to be a condition for any money that is appropriated, specifically allocated or authorized by Congress.

Second, another way that it is partial, it does not pay respect to domestic needs. The President has said that his tax cuts are a higher priority than building schools that could be built with $87 billion. He needs to rethink that.

Third, how it is partial, and this is perhaps long term for our children's benefit, the thing it lacks is it simply is not paying for this obligation. It seeks to borrow from our children money to pay for this operation. It borrows from the Social Security to pay for this operation. We have heard about the lockbox, and it is not a lockbox. It is pulling in Social Security to pay for this obligation.

Why does the President not want to pay for this? We should pay for it. Winston Churchill said all I have to offer is blood, sweat, toil and tears. This administration says while we have a war overseas, it will be balloons and fruit and candy back home with tax cuts, and now they want to continue to pass tax cuts, largely going to wealthy members of our society.

If this is so important to American security, the President ought to be bellying up to the bar and asking Americans to recognize this not go forward with the tax cuts. That is an obligation that he ought to take and he ought to ask Americans to share in that, and he ought to be sincere in it and not have this let us be happy and fight a war at the same time. It is not the way the greatest generation did it in World War II or after World War II, and we ought to rise to that same obligation, to the world, and to our prosperity.

Mr. HOEFFEL. Mr. Speaker, I appreciate the comments from the gentleman from Washington (Mr. INSLEE). We have also been joined by the gentleman from Ohio (Mr. STRICKLAND). I look forward to your comments.

Mr. STRICKLAND. Mr. Speaker, it is good to be here this evening. I am here tonight to say something that for me is kind of difficult to say. I believe the President has deceived us, that he has distorted the truth, and that he has engaged in false claims which has taken us into a war which is daily claiming the lives of our soldiers. The President and his administration told us that there was a connection between what happened on September 11, 2001, and Iraq, and thus far we have found no substantive evidence that such a connection existed.

The President told us that Iraq had weapons of mass destruction and that it was necessary for us to engage in a preemptive attack because of an imminent attack from Iraq, and thus far no such weapons have been found.

Vice President CHENEY said we would be welcomed as liberators, the people would consider us their friends; and yet the truth is that on a daily basis, young Americans are losing their lives and many more are being horribly maimed and injured, disfigured in Iraq.

The administration told us this would not cost us a lot of money because Iraq had lots of oil and as already been mentioned in March, Deputy Defense Secretary Wolfowitz told

the House subcommittee that Iraq could generate $50 billion to $100 billion of oil revenue over the next to 2 to 3 years. He said we are dealing with a country that can finance its own reconstruction and relatively soon, and yet the President in total has requested over $150 billion of our tax dollars to pay for our adventure in Iraq.

The President said recently that we must provide every benefit to our soldiers and protect them in any way possible, and yet tonight as we stand here on this floor in the safety of this great hall, young Americans are in Iraq wearing vests that do not have the capacity to stop bullets. They are wearing cheap vests because we have not spent the money necessary to get the highest quality protective vests for our soldiers.

Moms and dads are asking me questions. Wives and sweethearts are asking me questions, questions that I cannot answer because this administration is unwilling to come forth and tell us what the plan is, how long they are going to be there. The President recently asked for $87 billion, American tax dollars, and we have heard a lot about that over the past few days on radio and television, but the truth is it is more than $87 billion because he asked for billions earlier. It is over $150 billion. But this $87 billion is three times the amount we are spending on homeland security, three times more than we are spending to keep our country safe. It is more than we are spending on education and homeland security combined.

In this Congress we are underfunding the No Child Left Behind bill by $8 billion. We are underfunding veterans health care by $1.8 billion. The President is trying to impose additional costs on our veterans. He is asking our veterans to pay $15 a prescription, up from $7 a prescription. He is wanting to impose a $250 annual enrollment fee so that many of our veterans can participate in the VA health care system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KING of Iowa). The Chair would remind all Members to refrain from improper references to the President, such as accusing him of deception.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield, let me say that $1.8 billion underfunded does not include the fact that this administration, within the past year, has denied access to health care benefits that this Congress in 1996 mandated for all veterans.

□ 2310

Now we have a situation where the administration is encouraging no outreach, do not tell. They have a do-not-tell policy.

Mr. STRICKLAND. They have a gag order. They have a gag order. They have instructed their doctors and social workers and nurses who work in our VA hospitals, they have told them they cannot participate in community health fairs.

They cannot send out newsletters informing our veterans of the services they are entitled to receive. They cannot make public service announcements informing the veterans of what this Congress has provided them under the law.

We are willing to spend money in Iraq but we are not willing to take care of our veterans. In my judgment it is shameful what we are doing to our veterans.

Then they decided that they were going to create a new category of veteran. We call them Priority 8 veterans. You can make as little as $25,000 and this administration considers you high income. And they say you cannot enroll in VA health care. You can be a combat decorated veteran and be excluded.

Mr. DELAHUNT. I think that is so important to repeat. And we should say it slowly so that those in the viewing audience hear it clearly. And I would challenge any member of this branch to come forward and rebut it. If you earn over $25,000 and are a combat veteran, and you are described as a Priority 8 veteran, and understand there are hundreds of thousands that fall within that classification, you cannot enroll in a veterans health care program in this country. That is more than shameful; it is unconscionable.

We sent these young and women to war, and when they come back, we dishonor them, we disrespect them.

Mr. STRICKLAND. And we are talking about if we had an additional $1.8 billion, we could include those veterans. We are quibbling over $1.8 billion when we are being asked to approve $87 billion for Iraq. It is beyond belief.

Mr. INSLEE. Is it a fair statement that under the policies of this administration that they have advocated as far as their budget that the veterans system that was in existence when these soldiers and sailors went to Iraq, when they come back from their extended tours, which are now being extended to the surprise of many, will come back to a veterans system that is less beneficial and less protective than when they left?

Mr. STRICKLAND. Absolutely.

Mr. Speaker, I got a letter from a young West Point graduate. He graduated from West Point just literally a few months ago. He is in Baghdad tonight. He wrote me about 2 months ago. He said, Congressman, they are issuing two kinds of vests here, one is capable of stopping bullets, the other is only capable of stopping fragments. And my men are wondering why they have the cheap vests.

We took months to build up to the engagement in this conflict. We had plenty of time to make sure that every need that our soldiers may face in terms of equipment was available for them. It disturbs me that there may be young Americans tonight whose lives are unnecessarily in danger because this government has not provided them with the best possible protection.

That really disturbs me. It ought to disturb everyone who serves in this Chamber, everyone who serves in the Senate and certainly it ought to disturb the President.

Mr. INSLEE. It would disturb anyone who has gone to Bethesda Naval Hospital, as I have, and have talked to the Marines who have lost limbs and who have had crushing injuries of lifetime disability, to think that they are going to have less effective and comprehensive medical care than existed before they started this battle. That is not what they ought to be fighting for. It also seems to me to be appropriate for this administration to throw overboard its predilection for unilateralism, this desire to go it alone, this kind of macho policy of not allowing anyone else to be an ally with you, to bring other people involved in this effort, not just American GIs and Marines. Because the success of this mission depends on winning the respect of the Iraqi people, and winning the respect of the Iraqi people for whatever new government is formed is going to be more enhanced if we get more people from around the community internationally to be involved in this effort additionally sharing this burden.

I may add, too, the injuries are truly severe. We cry and we pray over those who have not come home, but we have got a very high proportion of very severe injuries from this, in part because of the magnificent trauma care that we have now developed, at least at the scene of the battle. These kids deserve a veterans plan that is going to treat them as well as their fathers and their grandfathers were treated and better.

That is not happening right now and is a symptom of this administration's addiction to these tax cuts on an altar that is higher than any other human value, including veterans health care, and it is wrong. During this debate about this $87 billion, we should make sure that this issue is addressed, too, and not swept under the rug.

Mr. DELAHUNT. I cannot agree more. There has to be, as a precondition, serious consideration of this supplemental budget request for $87 billion and an honest and sincere effort to restore the $1.8 billion, $2 billion, whatever that number be, to provide those veterans the kind of services that they are entitled to and that they defended this country so bravely to secure for future veterans.

While we are talking for a moment about the military, it was the Congressional Budget Office that identified a looming problem. In March, we will have to start withdrawing most of our troops in Iraq if we want to maintain an acceptable level of military readiness. That is on the horizon. As the gentleman from Washington indicates, I do not see other nations rushing to provide a coalition, a genuine coalition that will provide the kind of security and stability that is necessary for the reconstruction of Iraq. I am sure many in the audience and those of you here

tonight have noted in the most recent edition of Time magazine on the cover, Are We Stretched Too Thin? I daresay if you listen to General Schwarzkopf, if you listen to our military leaders who will speak in private, they will say we are stretched very, very, very thin. And here we are, contemporaneously with addressing this issue, we are now in the process of discussions that we cannot predict how they will go relative to the threat of a nuclear North Korea.

□ 2320

Some statements have been made by members of this administration that the military option has not been removed from the table. What are we talking about?

Mr. INSLEE. If the gentleman will yield, I think it is very important that the gentleman points out about the difficulty of perhaps having to bring folks home because we are stretched thin beginning in March, and the reason that is important is it points out a fundamental truth that the administration has refused to share with the American people. They have not leveled with the American people on one fundamental truth, and that is the first 60 or $65 billion that was allocated was just a down payment. This second $87 billion is a second of many installments. We have already heard talk about another $30 billion to $60 billion following this one. This could lead to a significant restructuring of the entire U.S. military by increasing the number of troops to deal with this rotational need of our military.

Mr. DELAHUNT. Let me ask the gentleman, does this mean that at some point in the future, if we continue to have a foreign policy that creates these significant needs for military personnel, that some day on the floor of this House we will be debating the necessity for a draft?

Mr. STRICKLAND. I think so.

Mr. INSLEE. That is the $64,000 question.

Mr. DELAHUNT. It is time to ask these kinds of questions.

Mr. INSLEE. The gentleman points out something that I think is important and that is that the President needs to level with the American people about the real cost of this.

Now, right now we have volunteers suffering the real cost of this war with loss of life and limb; but our children have a real cost they are enduring too, a Federal deficit that has gone over $500 billion this year with this additional $87 billion, the highest deficit in American history; and that is a real cost that the President, if he wants to show real leadership, would level with the American people about and say that we need to pay for, rather than hiding the cost and playing a fiscal shell game and putting that on our children.

The only way to level with the American people is for him to throw aside at least some of the tax cuts, at least the additional tax cuts that he wants to give to the wealthiest folks in this country. If he believes the security interests of the United States demands that, then honesty to our children demands that and honesty about the true cost of war.

That is why I believe when this debate starts, it is going to be very important for the U.S. Congress to condition any funds that are appropriated on making sure that it is paid for by us and not shucked off on the backs of our children as further deficit spending, as this administration has been wont to do, as it is necessary to condition this money on something that is going to be a requirement for success, and that is to get the rest of the world involved in this effort. It is the only way to win the Iraqis' respect for our ultimate efforts.

Mr. HOEFFEL. The gentleman has made several very good points, and he has been talking about the notion of whether or not the President is leveling with the American people.

I would like to get back to an earlier discussion. A suggestion was made by one of us this evening that the President was deceitful and we were admonished by the Chair that was not appropriate language. None of us are here to challenge the Chair. We are here to ask for the truth and ask questions about our policies in Iraq.

I would like to review the bidding a little, to set this question in some context, whether or not the President has been deceitful.

The President and his top advisers in the fall of 2002 said with complete certainty that Saddam Hussein had weapons of mass destruction, was developing more weapons of mass destruction, was developing a chemical weapons of mass destruction program, a biological weapons of mass destruction program, and was probably moving forward to try to restart a nuclear weapons of mass destruction program, long before the State of the Union address this past January. I am speaking now of September 2002.

In private briefings many of us received at the White House the same representations were made: complete certainty that the weapons of mass destruction program in Iraq was in full bloom and full speed ahead with, as I think the gentleman said, hundreds of tons of these weapons in the possession of Saddam Hussein, more on the way.

The briefing I attended with maybe 15 of our colleagues was led by George Tenet and Condoleezza Rice in the Roosevelt Room of the White House. In their presentations and in their answers to questions from Members of Congress, a bipartisan group of us, complete certainty was expressed. At one point, Mr. Tenet, being asked would you rate on a scale of zero to 10 your certainty about the presence of these weapons in Iraq, he said 10.

Mr. STRICKLAND. Pretty certain.

Mr. HOEFFEL. It is not just that we have not found those weapons. Maybe they are there and hidden away, but we sure have not found them yet. It is not just we have not found them. It has now come to light that the White House was being given classified information by the intelligence agencies last fall that was telling the White House that there was great uncertainty about the state of Iraq's weapons of mass destruction program.

These then-classified documents, now available in part because the White House declassified one to try to prove its case, and the other because it is now available for us to read at the Permanent Select Committee on Intelligence office, the Defense Intelligence Agency report of September 2002 and the National Intelligence Estimate of October 2002 are replete with expressions of doubt, uncertainty. I remember the phrase ''no credible evidence'' that Hussein had an ongoing chemical weapons program.

None of those doubts were reported to the American people or to Congress, none of that uncertainty was expressed; and it is my belief that the President exaggerated the threat of weapons of mass destruction in the fall of 2002, in the buildup to the war, in order to secure public support and congressional support for an authorization of war.

I will yield when I have unloaded my frustrations, which will be in just a moment.

It is my belief that the President misled Congress, and it is my understanding from the documents that I have since read that are now available to us that were not available to us in the fall of 2002 that the White House was well instructed about the doubts and the uncertainty from the CIA, the FBI, and the rest of the intelligence agencies.

Now, if it is objectionable to say that on the floor of the House, if the Republican leadership does not want to hear that on the floor of the House, bring it on. Let us bring it on right here, because this is the nub of the argument. This is what we are here to ask about.

I would be happy to yield to my friend.

Mr. STRICKLAND. The American people really do not care what word we use, but they understand what has happened. They listened to the President go on TV and address the national audience. They heard his references to a connection between al Qaeda and Iraq and September 11. They heard everything that was said about weapons of mass destruction.

We do not have to pick a particular word. The American people understand that the situation that was described for them was an unreal situation, and the result is this: we have got thousands of our troops in Iraq tonight. They are inadequately protected. We are not providing them the best protection possible. We are not. And I challenge anyone in this administration to challenge that statement, to tell me that they have got the best vests that

we can buy, to tell me that they are as protected as they possibly can be. I do not believe it, based on what I have been told and I think what the facts show.

So I do not want to quibble about what words we may use, but my friend has been very accurate. The gentleman has laid out the case as it unfolded.

Now we are being told, well, we are there, so we might as well just, oh, get on board and get this over with. I think it is appropriate for us to ask whether or not those who are providing leadership are worthy of our confidence. Are they competent people? Have they told the truth? Can we trust them to make further decisions about what is happening in Iraq? Those are the questions that must be answered.

Mr. DELAHUNT. I think it is important that we stress that this is not just Democrats that are posing these questions. This past week on, I think it was the ''CBS Early Show,'' someone who understands combat, someone who was in war and who is a decorated veteran of the Vietnam conflict, CHUCK HAGEL, Republican from Nebraska, said this: ''The administration has done a miserable job of planning the post-Saddam Iraq.''

□ 2330

The administration has done a miserable job of planning the post-Saddam Iraq. That is Senator HAGEL. We all know Senator HAGEL. Everybody in Congress respects and acknowledges his integrity, but he was right too. Maybe we failed in our responsibility collectively. I am talking about the House as well as the other branch. Because he pointed out that we allowed the administration to treat us like a nuisance. We did not ask the questions. Some of us did. But no, in the heat and in the vast amount of publicity that was attendant to the President and Vice President CHENEY and Under Secretary Wolfowitz's natural access to the media, people did not ask the tough questions. Well, not this time.

Mr. STRICKLAND. That is right.

Mr. DELAHUNT. Not this time. We want a plan, and we want all of the answers.

I can remember Secretary Feith coming in front of the Committee on International Relations. I asked him, give me just an idea of the costs to rebuild Iraq. He said, I do not have any answers.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point, precisely on that question, we need an answer as to whether or not reports today in the Los Angeles Times are correct that the $87 billion figure is some $55 billion short of what the administration in anonymous leaks are indicating is actually needed, and that the $87 billion is to take us up until the election; and then somehow, we are to magically find $55 billion from supposed allies. The exact quote, as a matter of fact, is that according to the Los Angeles Times, they said they would ''pressure other countries to come up with the additional funds needed to restore security in Iraq and repair its ravaged infrastructure.'' And I think everything that has been said tonight is indicative of the proposition that has just been made over these past few minutes that before we vote on this $87 billion, we have to ask the question: Is this actually the number that you are using, even internally?

Mr. DELAHUNT. And does that include the $2 billion necessary for veterans health care benefits.

Mr. ABERCROMBIE. And that is why we have to have this money authorized. That is why we have to have hearings in the Committee on Armed Services, the authorization committee. This is not just a supplemental bill to be taken to the Committee on Appropriations; this Congress needs to authorize the money that is involved in reconstruction and security in Iraq, or we are failing in our congressional duties.

Mr. HOEFFEL. Mr. Speaker, would the gentleman explain that for the viewers? Would the gentleman explain the point he is making about the difference between authorization and appropriation?

Mr. ABERCROMBIE. Very quickly, yes. Good point. Just as it is in our State legislatures, we have to authorize, that is to say, a committee must authorize the expenditure of money before it can be appropriated. The subject matter committee, in this instance the Committee on Armed Services, must take up the question: Will we authorize the expenditure of funds? The Committee on Appropriations may, if they have an authorization, appropriate up to or, in some instances, even exceed the amount of money that is there, if they can gain the approval of the legislature; but that is the object, to have a hearing as to what, in fact, should be done. That is to say what is the policy, and then attach a money figure to it.

What we are doing is saying we are going to put money out there and then figure out a policy afterwards. What I am saying and I think all of us are saying tonight is, let us get the policy down first, and then figure out what it costs and then determine whether there is a cost-benefit ratio to that policy.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, I think there is an additional thing we need in addition to the sage comments of the gentleman from Hawaii (Mr. ABERCROMBIE); we need to stop the administration from stealing from the Social Security trust fund to pay for this war, and that is what they are telling us they want to do. They want to take $87 billion out of the Social Security trust fund to pay for this war. And the reason they want to do it is that they refuse to let go of their goal of continuing further tax cuts for the wealthiest folks in this country, and that is morally, ethically wrong to our children. And this Congress has an obligation to our kids to stop it right here during this supplemental, and I trust that we are making an effort to do that.

Mr. DELAHUNT. Mr. Speaker, if I could make a final concluding remark, and then I will then defer to the gentleman from Pennsylvania (Mr. HOEFFEL). There was a report today, or rather Monday, in The Washington Post that the Secretary of Defense, Mr. Rumsfeld, when he was concluding his 4-day trip to Iraq and Afghanistan, complained that critics of the Bush administration's Iraq policy are encouraging terrorists and complicating the war on terrorism. Give me a break.

Mr. STRICKLAND. Can I respond to that, please?

Mr. DELAHUNT. Yes. Give me a break. We are going to ask the question.

Mr. STRICKLAND. I hope the Secretary never says that in my presence, because if he does, I am going to have to challenge him. None of us, none of us condone terrorism. In fact, we are here because we are concerned that this administration is not adequately waging the war on terrorism. ''Osama bin Forgotten'' is out there somewhere planning the next attack on this country. The President said he can run, but he cannot hide. Well, he ran and he has hidden, and he is planning the next attack. And for the Secretary to say such a thing outside the country, outside the country I think is grossly unfair and I think the Secretary owes this Congress and each of us who have a responsibility under the Constitution to represent our constituents and to speak our mind as we believe the truth to be, he has no right to make such an accusation against any of us.

Mr. INSLEE. Mr. Speaker, if I may dovetail on your disenchantment with the total irresponsible comments of the Secretary. He said there was al Qaeda in Iraq before our attack on Iraq, and the evidence would suggest that was not the case. But as a result, following his efforts and his strategy, they are in Iraq and Iraq indeed has been turned into a potential breeding ground for terrorism. That is the kind of policy we do not want to see continued. This is the kind of mistake we do not want to see this administration make again.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KING of Iowa). As a general reminder, the Chair would like to reiterate that as stated in section 370 of the House Rules and Manual, suggesting mendacity on the part of the President is not in order, even by innuendo. As such, the Chair would reiterate that accusations of intentional deception are not in order.

Furthermore, the Chair will remind Members that it is not in order to quote Senators' remarks spoken in the media.

CLOSING REMARKS ON IRAQ WATCH

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

Mr. ABERCROMBIE. Mr. Speaker, I do not intend to take the 5 minutes. I would like to defer to the gentleman from Pennsylvania (Mr. HOEFFEL) for such concluding remarks as he might like to make.

Mr. HOEFFEL. Mr. Speaker, I thank the Chair, and I thank the gentleman for his cooperation. I would like to thank the gentlemen that joined in the discussion this evening. We will be back next week, and the Iraq Watch will continue to ask questions about our policies in Iraq. We need to discuss some legislative proposals such as the gentleman from Illinois (Mr. EMANUEL) has made, his American Parity Act, which would require the spending of equivalent dollars on our American domestic needs for each dollar spent on domestic needs in Iraq. If we are going to spend $10 billion on housing in Iraq, we want to do the same in America. If we are going to spend money on water systems or infrastructure improvements in Iraq, we are suggesting we do the same in America.

□ 2340

That legislation deserves consideration during our next weekly discussion. We will ask more questions about the administration's policies. We hope we will get answers. I think it is a consensus view of all of us that we need to know what the plan is in Iraq. And we need to know what our exit strategy is in Iraq before this Congress will be comfortable in appropriating another $87 billion. We need to know what our strategy is, what conditions we are trying to achieve, what yardsticks we can use to measure our progress, how we can internationalize the situation in Iraq, how we can get Iraqis back in charge of Iraq because that must be the ultimate goal for all of us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

Mr. JANKLOW (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

Mr. MCHUGH (at the request of Mr. DELAY) for today until 7:00 p.m. on account of attending the funeral of his constituent, Sergeant Chad E. Fuller, who was killed on August 31 in Afghanistan while supporting Operation Enduring Freedom.

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. DAVIS of Tennessee) to revise and extend their remarks and include extraneous material):

Mr. MENENDEZ, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material):

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, September 10.

Mr. NORWOOD, for 5 minutes, September 10 and 11.

Mr. HENSARLING, for 5 minutes, September 10.

Mr. BURTON of Indiana, for 5 minutes, September 16.

Mr. PAUL, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today and September 10.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, September 10 and 11.

Mr. OXLEY, for 5 minutes, today.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, September 10.

Mr. BEREUTER, for 5 minutes, today.

Ms. HARRIS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 10 and 11.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material):

Mr. ABERCROMBIE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 64. Concurrent resolution to commend members of the United States Armed Forces for their services to the United States in the liberation of Iraq, and for other purposes; to the Committee on Armed Services.

S. Con. Res. 65. Concurrent resolution to commend the Third Infantry Division (Mechanized) of the United States Army for its role in the liberation of Iraq; to the Committee on Armed Services.

ADJOURNMENT

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 10, 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:

4041. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acetamiprid; Pesticide Tolerance [OPP-2002-0299; FRL-7324-1] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4042. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerance for Emergency Exemption; Technical Amendment [OPP-2003-0288; FRL-7323-9] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4043. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lambda Cyhalothrin; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0267; FRL-7321-3] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4044. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Propylene Carbonate; Exemption from the Requirement of a Tolerance [OPP-2003-0284; FRL-7323-7] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4045. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diflubenzuron; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0279; FRL-7323-1] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4046. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4047. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of theNavy, Case Number 01-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4048. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4049. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Scott A. Fry, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4050. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Emil R. Bedard, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4051. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Lending and Investment [No. 2001-82] (RIN: 1550-AB37) received September 2, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4052. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Distribution of Tax Credit Proceeds [Docket No. FR-4792-I-01] (RIN: 2502-AH91) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4053. A letter from the Assistant General Counsel, Office of Vocational Education, Department of Education, transmitting the Department's final rule — Community Technology Centers Program [CFDA No.: 84.341] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4054. A letter from the Assistant General Counsel, Office of Elementary and Secondary Education, Department of Education, transmitting the Department's final rule — Indian Education Discretionary Grant Programs (RIN: 1810-AA93) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4055. A letter from the Assistant General Counsel, Office of Vocational Education, Department of Education, transmitting the Department's final rule — Community Technology Centers Program [CFDA No.: 84.341] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4056. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Smallpox Vaccine Injury Compensation Program: Smallpox (Vaccinia) Vaccine Injury Table (RIN: 0906-AA60) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4057. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Obstetrical and Gynecological Devices; Classification of the Breast Lesion Documentation System [Docket No. 2003P-0301] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4058. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release [Docket No. NHTSA-99-5157] (RIN: 2127-AH03) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4059. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Definition of Multifunction School Activity Bus [DOT Docket No. NHTSA-2002-13704] (RIN: 2127-AH23) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4060. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards: Heavy Vehicle Antilock Brake System (ABS) Performance Requirement [Docket No. 03-15277] (RIN: 2127-AH16) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4061. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans [OAR-2003-0005 — FRL-7546-8] (RIN: 2060-AG96) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4062. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Mexico: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-5] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4063. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-3] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4064. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Bay Area Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District [CA 284-0399a; FRL-7536-2] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4065. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District [CA 245-0403a; FRL-7535-1] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4066. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA267-0402a; FRL-7526-6] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4067. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan; Sacramento Metropolitan Air Quality Management District [CA 279-0401a; FRL-7526-4] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4068. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [Docket ID No. OAR-2003-0121; FRL-7551-3] (RIN: 2060-AE82) received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4069. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing [OAR 2002-0039; FRL-7551-2] (RIN: 2060-AJ02) received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4070. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7550-3] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4071. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska [NE 190-1190a; FRL-7552-9] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4072. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants [Docket ID No. OAR-2002-0052; FRL-7551-7] (RIN: 2060-AG72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4073. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining [Docket ID No. OAR-2002-0043; FRL-7551-4] (RIN: 2060-AH03) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4074. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [OAR-2003-0138; FRL-7551-6] (RIN: 2060-AE79) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4075. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District [CA 287-0410a; FRL-7548-3] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4076. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 249-0409; FRL-7546-5] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4077. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; Definition of Volatile Organic Compound [MI83-01-7292a, FRL-7526-9] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4078. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Minnesota [MN79-1a; FRL-7543-6] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4079. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Wisconsin [WI-113-3; FRL-7528-7] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4080. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review —— Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network

Earth Stations and Space Stations [IB Docket No. 00-248] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4081. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review —— Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248]; Home Box Office Motion for Clarification And Declaratory Ruling [IB Docket No. 96-111] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4082. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees — received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4083. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, and -61BT Revision (RIN: 3150-AH26) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4084. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 17-03 which informs you of our intent to sign a Memorandum of Understanding (MOU) concerning the Coordination of Production and Support of the Lightweight 155MM (LW 155) Towed Field Howitzer between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4085. A letter from the Assistant Administrator Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's 2001 Annual Report on Title XII — ''Bringing Farmers into Global Trade'' as required by section 300 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

4086. A letter from the Chair, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4087. A letter from the Human Resources Specialist, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4088. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4089. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AI93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4090. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting: Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AI93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4091. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-142-FOR] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4092. A letter from the Acting Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Office of Ocean Exploration Announcement of Funding Opportunity, Fiscal Year 2004 [Docket No. 021028257-3178-02] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4093. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2001 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

4094. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Aliens Inadmissible Under the Immigration and Nationality Act — Unlawful Voters — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4095. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Nonimmigrants Under the Immigration and Nationality Act, as amended: Automatic Visa Revalidation — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4096. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Policy Statement on Monetary Equitable Remedies in Competition Cases — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4097. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the Association's report of audit for the year ending March 31, 2003, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

4098. A letter from the Acting Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the Department's final rule — Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN: 1076-AE34) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4099. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ [CGD05-03-107] (RIN: 1625-AA08) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4100. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; 2003 Gravity Games, Cleveland Harbor, Cleveland, OH [CGD09-03-258] (RIN: 1625-AE11) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4101. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas, Safety and Security Zones; Long Island Sound Marine Inspection and Captain of the Port Zone [CGD01-02-104] (RIN: 1625-AA00, AA11) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4102. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Florida [COTP Tampa-03-080] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4103. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — User Fee Airports [CBP Dec. 03-22] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4104. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Milwaukee Harbor, Milwaukee, Wisconsin [CGD09-03-227] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4105. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bogue Sound, NC [COTP Wilmington 03-117] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Florida [COTP Tampa-03-079] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sailing Vessels Red Witch, Pride of Baltimore II, Larinda, True North, Nina, HMS Bounty, Fair Jeanne —— Kenosha, Wisconsin [CGD09-03-246] (RIN: 1625-AA97) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Flugtag, Lake Michigan, Chicago, IL [CGD09-03-253] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13-03-025] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4110. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Long Beach, CA [COTP Los Angeles-Long Beach 03-007] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4111. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 88.1 to 90.4, New Orleans, LA [COTP New Orleans-03-024] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4112. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Puget Sound, WA [CGD13-03-026] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4113. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbrige Operation Regulations; St. Johns River, mile 24.7 at Jacksonville, Duval County, Florida [CGD07-03-131] (RIN: 1625-AA09) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4114. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Illinois Waterway, Joliet, IL [CGD08-03-031] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4115. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbrige Operation Regulations; Atlantic Intracoastal Waterway, mile 964.8 at Fort Pierce, St. Lucie County, Florida [CGD07-03-071] (RIN: 1625-AA09) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4116. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, and Crystal River, Florida [COTP Tampa 02-053] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4117. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Hampton River, Hampton, VA [CGD05-03-125] (RIN: 1625-AA08) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4118. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Islais Creek, San Francisco, CA [CGD11-03-004] (RIN: 1625-AA09) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4119. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, MD [CGD05-03-122] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4120. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Motor Vessel Fairlane Port Washington, Wisconsin [CGD09-03-265] (RIN: 1625-AA97) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4121. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zones; Barge BEAUFORT 20, Explosive On-Load and Transit, Puget Sound, WA [CGD13-03-029] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4122. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Operation of Motor Vehicles by Intoxicated Persons [Docket No. NHTSA-2002-13680] (RIN: 2127-AI44) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4123. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Oversales Signs [Docket No. OST-96-1255] (RIN: 2105-AC45) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4124. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Cargo Tanks [Docket No. RSPA-98-3554 (HM-213)] (RIN: 2137-AC90) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4125. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Digital Flight Data Recorder Requirements — Changes to Recording Specifications and Additional Exceptions [Docket No. FAA-2003-15682; Amendment Nos. 121-288, 125-42, 135-84] (RIN: 2120-AH81) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4126. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — DOD Commercial Air Carrier Evaluators [Docket No. FAA-2003-15571; Amdt Nos. 119-8, 121-286, and 135-83] (RIN: 2120-AI00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4127. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Public Aircraft Definition [Docket No. FAA-2003-15134; Amdt. Nos. 1-51 and 11-48] [Docket No. DOT 20860] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4128. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Flightdeck Security on Largo Cargo Airplanes [Docket No. FAA-2003-15653; Amendment Nos. 121-287 and 129-37] (RIN: 2120-AH96) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4129. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Railroad Locomotive Safety Standards: Clarifying Amendments; Headlights and Auxiliary Lights [Docket No. FRA-2003-14217; Notice No. 1] (RIN: 2130-AB58) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4130. A letter from the Secretary, Department of Transportation, transmitting A draft of a bill design to undertake a restructuring of intercity passenger rail transportation in the United States that will increase management accountability and encourage response to market forces; to the Committee on Transportation and Infrastructure.

4131. A letter from the Executive Vice President, River System Operations and Environment, Tennessee Valley Authority, transmitting the Authority's final rule — Approval of Construction in the Tennessee River System; Regulation of Structures; Residential Related Use on TVA-Controlled Residential Access Shoreland and TVA Flowage Easement Shoreland (RIN: 3316-AA19) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Director, Regulations Management, Department of Veteran's Affairs, transmitting the Department's final rule — Effective Dates of Benefits for Disability or Death Caused By Herbicide Exposure; Disposition of Unpaid Benefits After Death of Beneficiary (RIN: 2900-AL37) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4133. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Tonnage Duties--Revised Amounts [CBP Decision 03-16] (RIN: 1515-AD35) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4134. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Changes to Customs and Border Protection List of Designated Public International Organizations (CBP Dec. 03-21) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4135. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Manufacturing Substitution Drawback: Duty Apportionment [CBP Dec. 03-23] (RIN: 1515-AD02) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4136. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Delegations of Authority: Signature of Customs and Border Protection Regulations Published in Federal Register [CBP Dec. 03-24] (RIN: 1515-AD39) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4137. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Emergency Import Restictions Imposed on Ethnological Material from Cyprus [CBP Dec. 03-25] (RIN: 1515-AD38) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4138. A letter from the Secretary, Department of Homeland Security, transmitting a draft bill entitled, ''To Extend the Consolidated Omnibus Budget Reconciliation Act Customs User Fees,'' pursuant to 19 U.S.C. 58(c); to the Committee on Ways and Means.

4139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Offers in Compromise (Rev. Proc. 2003-71) received August

26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-101) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4143. A letter from the Under Secretary, Department of Defense, transmitting the Department's notification to Congress of determinations that institutions of higher education have a policy or practice of denying military recruiting personnel entry to campuses, access to students on campus, or access to student recruiting information, pursuant to 10 U.S.C. 983; jointly to the Committees on Armed Services and Education and the Workforce.

4144. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the FY 2001 Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

4145. A letter from the Secretary, Department of Energy, transmitting notification to Congress of legislation to allow the Department of Energy (DOE), in consultation with the Nuclear Regulatory Commission (NRC), to address management and disposal of high-level radioactive wastes safely and coast effectively; jointly to the Committees on Energy and Commerce and Science.

4146. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Electronic Submission of Cost Reports [CMS-1199-F] (RIN: 0938-AL51) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4147. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, ''To amend Title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to care for veterans, and for other purposes''; jointly to the Committees on Veterans' Affairs, Government Reform, and the Budget.

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. 2622. A bill to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes (Rept. 108–263, Pt. 2).

Mr. SESSIONS: Committee on Rules. House Resolution 360. Resolution providing for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes (Rept. 108–267). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOUGHTON (for himself and Mr. POMEROY):

H.R. 3035. A bill to establish an informatics grant program for hospitals and skilled nursing facilities in order to encourage health care providers to make major information technology advances; to the Committee on Ways and Means, 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. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 3036. A bill to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes; to the Committee on the Judiciary.

By Mr. FEENEY:

H.R. 3037. A bill to strengthen antiterrorism investigative tools, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself and Mr. BROWN of Ohio):

H.R. 3038. A bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002; to the Committee on Energy and Commerce.

By Mr. COLE (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. ISAKSON, Mr. GREENWOOD, Mr. TIBERI, Mr. KELLER, Mr. WILSON of South Carolina, Mr. CARTER, Mr. BURNS, Mr. HOUGHTON, Ms. ROS-LEHTINEN, Mr. NEUGEBAUER, and Mr. NUNES):

H.R. 3039. A bill to expand opportunities for postsecondary education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GOODLATTE (for himself, Mr. SMITH of Texas, Mr. CARTER, and Mr. FORBES):

H.R. 3040. A bill to strengthen to enhance public safety through pretrial detention and postrelease supervision of terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 3041. A bill to amend title 38, United States Code, to extend the period during which a member of the Armed Forces may enroll for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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. BRADY of Texas (for himself, Mr. SANDLIN, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. SESSIONS, Mr. CARTER, and Ms. GRANGER):

H.R. 3042. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for certain air and water pollution control facilities and to provide that the volume cap for private activity bonds shall not apply to bonds for such air and water pollution control facilities, facilities for the furnishing of water, and sewage facilities; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. THOMPSON of California, Mr. ENGLISH, Mr. MCHUGH, Mr. RADANOVICH, Mr. REYNOLDS, Mr. POMBO, Ms. ESHOO, Mr. GOODE, Mr. MCINNIS, and Mr. HOUGHTON):

H.R. 3043. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of crops destroyed by casualty; to the Committee on Ways and Means.

By Mr. COOPER:

H.R. 3044. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DREIER (for himself and Ms. WATERS):

H.R. 3045. A bill to amend section 105 of the Housing and Community Development Act of 1974 to permanently extend the public service cap exemption for certain grantees under the community development block grant program; to the Committee on Financial Services.

By Mr. GALLEGLY:

H.R. 3046. A bill to correct and improve the prohibition against terrorism transcending national boundaries, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEHAN:

H.R. 3047. A bill to prevent the sale of tobacco products to minors by means of electronic or mail-order sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OTTER:

H.R. 3048. A bill to limit assistance for the Palestinian Authority and the Palestinian people during fiscal year 2004; to the Committee on International Relations.

By Mr. STRICKLAND (for himself, Mr. ALLEN, Mr. ROSS, and Mrs. JONES of Ohio):

H.R. 3049. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 regarding adequate yearly progress and assessments; to the Committee on Education and the Workforce.

By Mr. STUPAK:

H.R. 3050. A bill to provide a 10 percent increase in the rate of basic pay for members of the uniformed services; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 3051. A bill to pay a one-time bonus to members of the Armed Forces who served or serve in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, and for other purposes; to the Committee on Armed Services, 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 Mr. TANCREDO (for himself, Mr. KING of Iowa, Mr. HEFLEY, Mr. BARTLETT of Maryland, Mr. SMITH of Texas, Mr. DEAL of Georgia, and Mr. GOODE):

H.R. 3052. A bill to amend title 23, United States Code, to discourage States from issuing an identification card or driver's license to an alien not legally authorized to be in the United States; to the Committee on Transportation and Infrastructure.

By Mr. WEXLER:

H.R. 3053. A bill to amend the Internal Revenue Code of 1986 to increase the top two individual income tax rates and to repeal the capital gains treatment of dividend income, and to use the revenue therefrom to make

emergency supplemental appropriations for fiscal year 2004 for military operations in Iraq and in support of the global war on terrorism and for the relief and reconstruction of Iraq and Afghanistan; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, 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. HYDE (for himself, Mr. LANTOS, Mr. COX, Mr. KIRK, Mr. ROYCE, Mr. SMITH of New Jersey, Mr. GREEN of Wisconsin, Mr. PITTS, Mr. BEREUTER, Mr. HOUGHTON, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. ACKERMAN, Mr. ENGEL, Mr. CROWLEY, Mr. KENNEDY of Rhode Island, Mr. PAYNE, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mrs. LOWEY, and Mr. MENENDEZ):

H. Con. Res. 274. Concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy; to the Committee on International Relations.

By Mr. ANDREWS:

H. Con. Res. 275. Concurrent resolution expressing the sense of Congress that all airport screening functions should continue to be performed by Federal employees and that all employees of the Transportation Security Administration, including Federal airport screeners, should be permitted to engage in collective bargaining and be represented in collective bargaining by a representative or organization of their choosing; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, 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. ROTHMAN (for himself, Ms. PELOSI, Mr. LANTOS, Mr. WOLF, Mr. SMITH of New Jersey, Mrs. LOWEY, Mr. KIRK, Mr. FALEOMAVAEGA, Mr. RAMSTAD, and Mr. WELDON of Pennsylvania):

H. Res. 359. A resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy; to the Committee on International Relations.

By Mr. DEAL of Georgia (for himself, Mr. BURNS, Mr. COLLINS, Mr. GINGREY, Mr. ISAKSON, Mr. KINGSTON, Mr. LINDER, and Mr. NORWOOD):

H. Res. 361. A resolution expressing the condolences of the House of Representatives upon the death on September 3, 2003, of the late General Raymond G. Davis (United States Marine Corps, retired) and expressing the appreciation and admiration of the House for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation; to the Committee on Armed Services.

By Mr. WALSH (for himself, Mr. BOEHLERT, Mr. HAYES, Mr. THOMPSON of California, Mr. GIBBONS, Mr. BOSWELL, Mr. ROGERS of Michigan, Mr. ROSS, Mr. KIND, Mr. JOHN, Mr. SIMMONS, Mr. WICKER, Mr. FEENEY, Mr. JEFFERSON, Mr. DINGELL, Mr. RAHALL, Mr. JANKLOW, Mr. UDALL of Colorado, Mr. CASE, Mr. MICHAUD, Mr. BERRY, Mr. RYAN of Wisconsin, Mr. DOOLITTLE, Mr. GOODE, Mr. BALLENGER, Mr. SPRATT, Mr. OSBORNE, Mr. SNYDER, Mr. POMEROY, Mr. ROGERS of Kentucky, Ms. GINNY BROWN-WAITE of Florida, Mr. ISTOOK, Mr. YOUNG of Alaska, Mr. PETERSON of Minnesota, Mr. MCHUGH, Mr. CARSON of Oklahoma, Ms. HARRIS, Mr. SESSIONS, and Mr. GREEN of Texas):

H. Res. 362. A resolution recognizing the importance and contributions of sportsmen to American society, supporting the traditions and values of sportsmen, and recognizing the many economic benefits associated with outdoor sporting activities; to the Committee on Resources.

By Mr. WEXLER (for himself and Mr. SHAW):

H. Res. 363. A resolution recognizing the achievements of SUPERB (Students United with Parents and Educators to Resolve Bullying) and its founders Jeremy and Sharon Ring to address the growing problem of bullying in the Nation's schools; to the Committee on Education and the Workforce.

By Mr. WEXLER (for himself, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. MEEKS of New York, Mr. DEFAZIO, Ms. LEE, Mr. BROWN of Ohio, Mr. EMANUEL, Mr. FARR, Mr. ABERCROMBIE, Mr. ENGEL, Ms. WATSON, Mr. DELAHUNT, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. KUCINICH, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. BERMAN, Mr. TIERNEY, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. GRIJALVA, Mr. MARKEY, Mr. BLUMENAUER, Mr. BELL, and Mrs. MALONEY):

H. Res. 364. A resolution of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled ''Operation Iraqi Freedom Strategic Lessons Learned''and documents in his possession on the reconstruction and security of post-war Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, 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.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

197. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 41 memorializing the President and the Congress of the United States to increase federal funding to the states for child lead poisoning screening programs, and to especially ensure the availability of adequate funding to provide lead poisoning screening for all Medicaid-eligible children; to the Committee on Energy and Commerce.

198. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 219 urging Congress to enact legislation providing reimbursement of health care-related expenses incurred between 1995 and 2001 by veterans of the Armed Forces who between 1941 and 1956 were promised free lifetime health care in return for 20 years of military service; to the Committee on Veterans' Affairs.

199. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 35 memorializing the Congress of the United States to enact legislation giving federal income taxpayers who forego compensated employment in order to remain at home and personally provide care to their children and other dependents a tax benefit comparable to that currently given to wage earners who pay others to provide such care; to the Committee on Ways and Means.

200. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 34 memorializing the Congress of the United States to revise the definition of ''resources'' as it applies to the ''Medicare Catastrophic Coverage Act of 1988,'' so that a community spouse's IRAor pension plan is not included in the calculation of a couple's resources for the purposes of determining Medicaid eligibility for nursing home care; jointly to the Committees on Ways and Means and Energy and Commerce.

201. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 105 memorializing the Congress of the United States to pass, and the President to sign into law, legislation that would stabilize and provide funding equity to the MedicareChoice program; jointly to the Committees on Ways and Means and Energy and Commerce.

202. Also, a memorial of General Assembly of the State of New Jersey, relative to Assembly Resolution No. 207 memorializing the President and the Congress of the United States to adopt a more effective approach to handling domestic security and terrorism preparedness issues through better national coordination, resource support, and political leadership, and to take into considerartion certain recommendations based upon the report issued by the Independent Task Force; jointly to the Committees on the Judiciary, Energy and Commerce, Agriculture, Transportation and Infrastructure, and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutons as follows:

H.R. 31: Mr. PLATTS and Mr. BURNS.
H.R. 82: Mr. CAPUANO.
H.R. 141: Mr. ISAKSON.
H.R. 142: Mr. DREIER.
H.R. 167: Mr. ROTHMAN.
H.R. 195: Mr. WOLF.
H.R. 260: Mr. SHERMAN.
H.R. 284: Ms. BALDWIN, Mr. MOORE, Ms. SCHAKOWSKY, Mr. SESSIONS, and Mr. NORWOOD.
H.R. 303: Mr. HOSTETTLER.
H.R. 339: Mr. LUCAS of Kentucky.
H.R. 348: Mr. GOODE.
H.R. 369: Mr. REGULA.
H.R. 370: Mr. ANDREWS.
H.R. 391: Mr. WOLF.
H.R. 466: Mr. STRICKLAND.
H.R. 490: Mrs. LOWEY and Mr. STARK.
H.R. 501: Mr. LAHOOD.
H.R. 527: Mrs. LOWEY and Mr. SPRATT.
H.R. 528: Ms. LEE, Mr. GERLACH, Mr. KLINE, Mr. DELAHUNT, and Mr. MCKEON.
H.R. 580: Mr. FROST.
H.R. 594: Mr. VITTER and Mr. GARRETT of New Jersey.
H.R. 610: Mr. BROWN of Ohio.
H.R. 648: Mr. MCCOTTER.
H.R. 673: Mr. MORAN of Kansas.
H.R. 685: Mr. GONZALEZ.
H.R. 720: Mr. WELDON of Florida.
H.R. 734: Mr. STARK, Ms. LINDA T. SANCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, and Mr. MOORE.
H.R. 736: Mr. STARK.
H.R. 808: Mr. NUSSLE.
H.R. 857: Mrs. NAPOLITANO.
H.R. 869: Mrs. CUNNINGHAM.
H.R. 876: Mr. VISCLOSKY.
H.R. 911: Mr. MARKEY, Mr. LEVIN, Mr. SPRATT, Mr. MENENDEZ, Mr. FROST, Mr. LAHOOD, Mr. DEMINT, Mr. SCHIFF, Mr. HASTINGS of Florida, Mr. GOODLATTE, Ms. GRANGER, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. HINOJOSA, Mr. GONZALEZ, Mr. SANDLIN, Mr.

ALLEN, Mr. DAVIS of Florida, Mr. MORAN of Kansas, Mr. SKELTON, Mr. PETERSON of Minnesota, Mr. LANGEVIN, Mr. HUNTER, Mr. SCOTT of Georgia, Mr. NADLER, Mr. BELL, Mr. KIND, Ms. LORETTA SANCHEZ of California, Mr. WU, Mr. RAHALL, Mr. COLLINS, Ms. DELAURO Mr. CRAMER Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mr. BLUNT, Mr. RADANOVICH Mr. WELDON of Pennsylvania, Mr. SAXTON Mr. COX, Mr. BRADY of Texas, Mr. PORTMAN, Mr. ADERHOLT, Mr. FARR, Mr. RODRIGUEZ, Mr. THORNBERRY, Mr. MCINTYRE, Mr. WAMP, Mr. STENHOLM, Mr. MOORE, Mr. HILL, Mr. PALLONE, Mr. BROWN of Ohio, Mr. TOM DAVIS of Virginia, Ms. PELOSI, Mr. VAN HOLLEN, Mr. HOYER, Mr. LARSON of Connecticut, Mr. LUCAS of Kentucky, Mr. PASCRELL, Mr. ROSS, Mr. DELAY, Mrs. MALONEY, Mr. FORD, Mr. SCOTT of Virginia, Mr. RUPPERSBERGER, Mrs. LOWEY, Mr. PENCE, Mr. EMANUEL, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. SHAYS, Mr. CULBERSON, Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. DOYLE, Mr. HOEFFEL, Mr. KANJORSKI, Mr. SNYDER, Mr. CASTLE, Mr. GOODE, Mr. NUSSLE, Mr. OSE, Mr. POMBO, Ms. SOLIS, Mr. BOYD, Mr. DAVIS of Tennessee, Mr. JONES of North Carolina, Mr. REYNOLDS, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. DEGETTE, Mr. LEWIS of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 919: Mr. HEFLEY, Mr. LEWIS of Kentucky, Mr. GEPHARDT, and Mr. BRADLEY of New Hampshire.

H.R. 920: Ms. LEE.

H.R. 970: Mr. OBERSTAR, Mr. GRIJALVA, Mr. CAPUANO, and Mr. BALLANCE.

H.R. 972: Mr. HOLDEN.

H.R. 997: Ms. HART.

H.R. 1006: Mr. RANGEL.

H.R. 1049: Mr. MCCOTTER.

H.R. 1052: Mr. SNYDER.

H.R. 1070: Mr. CALVERT.

H.R. 1101: Mrs. MILLER of Michigan.

H.R. 1105: Mr. DOYLE.

H.R. 1111: Mr. STEARNS.

H.R. 1157: Ms. MCCARTHY of Missouri and Mrs. LOWEY.

H.R. 1160: Mr. LAMPSON and Mr. CANNON.

H.R. 1172: Mr. WEXLER and Mr. EVANS.

H.R. 1214: Mr. DOYLE, Mr. CANTOR, Ms. ESHOO, Mr. VAN HOLLEN, Mr. TANNER, and Ms. HOOLEY of Oregon.

H.R. 1228: Mr. RANGEL.

H.R. 1229: Mrs. MILLER of Michigan and Mr. WALDEN of Oregon.

H.R. 1258: Mr. NUSSLE.

H.R. 1268: Mr. MCGOVERN, Mr. DELAHUNT, and Ms. DELAURO.

H.R. 1273: Mr. RADANOVICH.

H.R. 1278: Mr. CARSON of Oklahoma.

H.R. 1316: Mr. OTTER, Mr. GRIJALVA, Mr. QUINN, Mr. ENGLISH, and Ms. BALDWIN.

H.R. 1355: Mrs. LOWEY and Mr. CASE.

H.R. 1422: Mr. WAMP.

H.R. 1491: Mr. GRIJALVA.

H.R. 1508: Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. JEFFERSON, Mr. BERRY, and Mr. KIND.

H.R. 1519: Mr. STARK.

H.R. 1543: Mr. DREIER.

H.R. 1605: Mr. BLUMENAUER.

H.R. 1613: Mr. RYAN of Ohio.

H.R. 1628: Mr. BOYD and Mr. FROST.

H.R. 1633: Mr. CUMMINGS.

H.R. 1698: Ms. KILPATRICK.

H.R. 1708: Mr. GERLACH, Mr. BARTON of Texas, Mr. LEVIN, Ms. MCCOLLUM, and Mrs. LOWEY.

H.R. 1726: Mr. JENKINS.

H.R. 1752: Mr. RUPPERSBERGER and Mr. ETHERIDGE.

H.R. 1755: Mr. LUCAS of Kentucky and Mr. VITTER.

H.R. 1758: Mr. PAUL.

H.R. 1769: Mr. CONYERS, Mr. KINGSTON, and Mr. PASCRELL.

H.R. 1796: Ms. KAPTUR.

H.R. 1819: Mr. MATHESON and Mr. MCCOTTER.

H.R. 1874: Mr. SNYDER, Mr. GORDON, and Mrs. CAPPS.

H.R. 1886: Mr. LUCAS of Kentucky, Mr. SHAYS, and Mr. BAIRD.

H.R. 1910: Mr. BAIRD.

H.R. 1916: Ms. BERKLEY, Mr. SCHIFF, Mr. BACA, Mr. ALLEN, Mr. GORDON, and Mr. STUPAK.

H.R. 1930: Mr. MCGOVERN.

H.R. 1951: Ms. MCCOLLUM and Mr. MATHESON.

H.R. 1964: Mr. WELDON of Pennsylvania.

H.R. 1981: Mr. DEUTSCH.

H.R. 1993: Mr. FROST.

H.R. 1994: Mr. LOBIONDO and Mr. FROST.

H.R. 1998: Mr. DEUTSCH.

H.R. 2015: Ms. HOOLEY of Oregon.

H.R. 2045: Mr. CULBERSON, Mr. BOOZMAN, and Mr. CRENSHAW.

H.R. 2047: Mr. DUNCAN.

H.R. 2079: Mr. WICKER and Mr. SHIMKUS.

H.R. 2107: Mr. ABERCROMBIE, Mr. FILNER, and Ms. LOFGREN.

H.R. 2124: Mr. GUTIERREZ and Mr. SNYDER.

H.R. 2134: Ms. BALDWIN.

H.R. 2173: Mr. ALEXANDER and Ms. BALDWIN.

H.R. 2181: Mr. GILLMOR.

H.R. 2203: Ms. DEGETTE and Mrs. LOWEY.

H.R. 2216: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2237: Mr. WOLF.

H.R. 2238: Mr. MCINNIS.

H.R. 2260: Mr. BACHUS, Mr. BISHOP of Utah, Mr. DINGELL, Mr. FOLEY, Mr. GONZALEZ, Mr. GUTIERREZ, Ms. LEE, Mr. LIPINSKI, Ms. LOFGREN, Mrs. MALONEY, Mr. MURPHY, Mr. PRICE of North Carolina, Mr. SANDLIN, Mr. TURNER of Texas, Mr. BARTLETT of Maryland, Mr. GRIJALVA, and Ms. HARMAN.

H.R. 2269: Mr. DEMINT and Mr. WICKER.

H.R. 2318: Mr. EMANUEL.

H.R. 2327: Mr. BOUCHER and Mr. GORDON.

H.R. 2340: Ms. HART.

H.R. 2344: Mr. WEXLER.

H.R. 2359: Mr. TANCREDO.

H.R. 2361: Mr. RUPPERSBERGER.

H.R. 2426: Ms. WATSON, Ms. JACKSON-LEE of Texas, and Mr. SABO.

H.R. 2429: Mr. LEWIS of Georgia, Mr. MORAN of Virginia, and Ms. MCCOLLUM.

H.R. 2462: Mr. JEFFERSON and Mr. MATSUI.

H.R. 2482: Mr. BROWN of Ohio and Mr. WAXMAN.

H.R. 2505: Mr. MICHAUD.

H.R. 2527: Mr. BOSWELL.

H.R. 2538: Ms. HARRIS, Mr. YOUNG of Florida, Mr. PUTNAM, Mr. FEENEY, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2540: Mr. RANGEL and Mrs. CHRISTENSEN.

H.R. 2568: Mrs. CAPPS.

H.R. 2570: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2582: Mr. FRANK of Massachusetts, Mr. STUPAK, Mrs. LOWEY, Mr. CRAMER, and Mr. MCINTYRE.

H.R. 2602: Mr. REHBERG.

H.R. 2625: Mr. MICHAUD, Mr. STRICKLAND, Mr. NEAL of Massachusetts, Mrs. DAVIS of California, and Mr. SMITH of Washington.

H.R. 2626: Mr. CASE, Mr. SANDLIN, and Mr. GREEN of Texas.

H.R. 2650: Mr. MICHAUD.

H.R. 2665: Mr. CUMMINGS, Mr. GUTIERREZ, Mr. MCNULTY, Mr. OLVER, and Mr. DINGELL.

H.R. 2670: Mr. BEREUTER and Mr. GRIJALVA.

H.R. 2671: Mr. GIBBONS, Mr. HAYWORTH, Mr. FOLEY, Mr. GILLMOR, Mr. PETRI, and Mr. ADERHOLT.

H.R. 2680: Mr. ALEXANDER, Mr. CARSON of Oklahoma, Mr. BERRY, Mr. CRAMER, Mr. WEXLER, Mr. BROWN of Ohio, Mr. MARSHALL, Ms. HARMAN, Mr. ETHERIDGE, Mr. SABO, Mr. BLUMENAUER, Mr. LARSON of Connecticut, Mr. RUPPERSBERGER, Mr. KING of Iowa, Mr. LEVIN, Mr. FILNER, and Ms. MCCOLLUM.

H.R. 2719: Mr. WAMP, Mrs. TAUSCHER, Mr. JONES of North Carolina, Mr. DEUTSCH, and Mr. ABERCROMBIE.

H.R. 2727: Mr. ABERCROMBIE.

H.R. 2743: Mr. TERRY and Mr. ISAKSON.

H.R. 2762: Mr. NEUGEBAUER.

H.R. 2763: Mr. NEUGEBAUER.

H.R. 2768: Mr. MOORE, Mr. UDALL of Colorado, Mr. COBLE, Mr. GREEN of Texas, Mr. SKELTON, MR. SPRATT, Mr. BROWN of South Carolina, and Mr. DOGGETT.

H.R. 2776: Mr. REHBERG.

H.R. 2787: Mr. NEAL of Massachusetts.

H.R. 2823: Mr. UPTON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KINGSTON.

H.R. 2829: Mr. KLECZKA.

H.R. 2849: Mr. PRICE of North Carolina.

H.R. 2851: Ms. HART, Mr. BARRETT of South Carolina, and Mr. LINDER.

H.R. 2872: Mr. PAYNE, Ms. CARSON of Indiana, Mr. MCGOVERN, and Mr. WEXLER.

H.R. 2885: Mr. SAM JOHNSON of Texas, Mr. AKIN, and Mr. FEENEY.

H.R. 2891: Mr. TOWNS, Ms. LEE, Mr. GUTIERREZ, Mr. COSTELLO, and Mr. COOPER.

H.R. 2898: Mr. DAVIS of Tennessee, Mr. HOEFFEL, Mr. DEUTSCH, Mr. GREENWOOD, Mrs. LOWEY, Mr. ACKERMAN, and Mr. WELLER.

H.R. 2932: Ms. KAPTUR, Ms. LOFGREN, Ms. MCCOLLUM, Mr. BLUMENAUER, and Mr. WEXLER.

H.R. 2968: Mr. HAYWORTH, Mr. WAMP, and Mr. ISAKSON.

H.R. 2991: Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, and Mr. BACA.

H.R. 2998: Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Mr. LATHAM, Mr. PEARCE, Mr. KINGSTON, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. VITTER, Mr. TAYLOR of North Carolina, Mr. WALDEN of Oregon, Mr. FROST, Mr. THORNBERRY, Mr. EHLERS, Mr. KILDEE, Mr. ROGERS of Kentucky, Mr. EDWARDS, Mr. SAXTON, Mr. HINCHEY, Mr. GIBBONS, Mr. SPRATT, Mr. HOLDEN, Mr. BONNER, Mr. LYNCH, Mr. CARTER, Mr. MCGOVERN, Mr. HYDE, Mr. WYNN, Mr. SHIMKUS, Mr. TERRY, Mr. FEENEY, Mr. HOUGHTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Ms. SCHAKOWSKY, Mr. GREEN of Texas, Mr. RAHALL, Mrs. KELLY, Mr. JENKINS, Mr. CANTOR, Mr. KING of New York, Mr. CULBERSON, Mr. HEFLEY, Ms. MCCOLLUM, Mr. FRANK of Massachusetts, Mr. KLECZKA, Ms. CARSON of Indiana, Mr. PETRI, Mr. NUNES, Mr. GILCHREST, and Mr. WELDON of Florida.

H.R. 2999: Mr. MCINTYRE.

H.R. 3011: Mr. BILIRAKIS, Mr. GREEN of Texas, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Mr. CARDOZA, Mr. JENKINS, Mr. REYES, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. SKELTON, Mr. LEWIS of California, and Mr. FRANK of Massachusetts.

H.R. 3015: Mrs. NORTHUP, Mr. SESSIONS, Mr. STUPAK, Mrs. MALONEY, Mr. KLECZKA, Mr. DICKS, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. LUCAS of Kentucky, and Mr. GREEN of Texas.

H.R. 3022: Ms. SLAUGHTER.

H.R. 3023: Mr. STARK.

H.R. 3034: Mr. TOM DAVIS of Virginia.

H.J. Res. 56: Mr. COBLE, Mr. CALVERT, and Mr. TURNER of Ohio.

H.J. Res. 62: Mr. ALLEN and Mr. SIMMONS.

H. Con. Res. 78: Mr. ANDREWS.

H. Con. Res. 99: Mr. EVANS and Mr. MEEHAN.

H. Con. Res. 155: Mr. NADLER.

H. Con. Res. 158: Mr. DAVIS of Illinois and Mr. TIERNEY.

H. Con. Res. 213: Mr. LAMPSON and Mr. HOEFFEL.

H. Con. Res. 232: Mrs. MUSGRAVE.

H. Con. Res. 249: Mr. FROST.

H. Con. Res. 254: Mr. FROST, Mr. BERMAN, Mr. GREENWOOD, Mr. HINCHEY, Mr. PALLONE, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. DINGELL, Mr. JEFFERSON, Mr. SAXTON, Mr. SOUDER, Mr. DOOLITTLE, Mr. WEINER, Ms. SLAUGHTER, Mr. ENGEL, and Mr. PAYNE.

H. Con. Res. 256: Mr. BALLANCE, Mr. SCOTT of Georgia, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. FATTAH, Mr. SCOTT of Virginia, Ms. WATSON, Mr. FORD, Mr. WATT, Mr. DAVIS of Alabama, Mr. MEEKS of New York, Ms. MAJETTE, Mr. CLAY, Mr. WYNN, Mr. BISHOP of Georgia, Ms. NORTON, Mr. MEEK of Florida, Mr. HASTINGS of Florida, and Mr. CONYERS.

H. Res. 103: Mr. KENNEDY of Minnesota, Mr. GARRETT of New Jersey, and Mr. ROTHMAN.

H. Res. 167: Mr. GREEN of Texas.

H. Res. 254: Ms. WOOLSEY, Mr. GONZALEZ, and Ms. JACKSON-LEE of Texas.

H. Res. 300: Mr. EHLERS, Mr. STENHOLM, Mr. PENCE, Mr. MCKEON, Mr. WAMP, Mr. HYDE, Mr. SHIMKUS, Mr. BURTON of Indiana, and Mr. SOUDER.

H. Res. 315: Mr. PICKERING.

H. Res. 325: Mrs. LOWEY.

H. Res. 348: Mr. MEEHAN, Mr. BAKER, Mr. GILCHREST, and Ms. BALDWIN.

H. Res. 352: Mr. SHIMKUS, Mr. MCNULTY, Ms. NORTON, Mr. COOPER, Mr. LANTOS, Mr. GREEN of Texas, Mr. FROST, and Mr. FRANK of Massachusetts.

H. Res. 355: Mr. WEXLER, Mr. MCCOTTER, Mr. BLUMENAUER, Mr. LANTOS, Mr. ENGEL, Ms. LEE, and Mr. BURTON of Indiana.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2622

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 1: Page 7, strike line 13 and all that follows through line 24 and insert the following (and conform the table of contents accordingly):

SEC. 101. 9-YEAR EXTENSION OF UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS.

Paragraph (2) of section 624(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

''(2) shall not apply after December 31, 2012.''.

H.R. 2622

OFFERED BY: MS. LEE

AMENDMENT NO. 2: Page 7, strike line 15 and all that follows through line 24 and insert the following:

Section 624(d)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

''(2) do not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.''.

H.R. 2622

OFFERED BY: MR. INSLEE

AMENDMENT NO. 3: Page 80, after line 5, add the following new title (and conform the table of contents accordingly):

TITLE VIII—TECHNICAL CORRECTIONS

SEC. 801. AMENDMENTS RELATING TO SECTIONS 625 AND 626 OF THE FAIR CREDIT REPORTING ACT.

(a) SECTION 625.—Section 625(h) of the Fair Credit Reporting Act (15 U.S.C. 1681u(h)) is amended by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services''.

(b) SECTION 626.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended—

(1) in subsection (b), by striking ''a supervisory official designated by''; and

(2) by adding at the end the following new subsections:

''(f) REPORTS TO THE CONGRESS.—On a semiannual basis, the head of a Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall fully inform the Permanent Select Committee on Intelligence and the Committee on Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a).

''(g) PAYMENT OF FEES.—A Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing report or information in accordance with procedures established under this section a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.''.

H.R. 2622

OFFERED BY: MR. SANDERS

AMENDMENT NO. 4: Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 507. LIMITATION ON USE OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604(d) of the Fair Credit Reporting Act (15 U.S.C. 1681b(d)) is amended to read as follows:

''(d) LIMITATION ON USE OF CONSUMER REPORT.—No credit card issuer may use any negative information contained in a consumer report to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for reasons other than actions or omissions of the card holder that are directly related to such account or a late payment of 60 days or more on any other credit card or debt.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a)(3)(F)(ii) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(3)(F)(ii)) is amended by inserting ''subject to subsection (d),'' before ''to review''.

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 5: Page 10, line 12, insert '', other than subsections (g), (h), (i), (j), (k), and (l)'' before the closing quotation marks after ''identity theft prevention''.

Page 10, after line 13, insert the following new paragraph:

(4) Section 624(b)(1) of the Fair Credit Reporting Act (15 1681t(b)(1)) is amended, in the matter preceding subparagraph (A), by inserting ''specific'' before ''subject matter''.

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 6: Page 44, strike lines 9 and 10 and insert ''Section 612 of the''.

Page 44, beginning on line 14, strike ''described in section 603(p)'' and insert ''that compiles and maintains files on consumers on a nationwide or regional basis''.

Page 44, strike line 18 and all that follows through line 22.

H.R. 2622

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 7: Page 44, beginning on line 14, strike ''described in section 603(p)'' and insert ''that compiles and maintains files on consumers on a nationwide or regional basis''.

H.R. 2622

OFFERED BY: MS. WATERS

AMENDMENT NO. 8: Page 7, line 15, insert ''(a) IN GENERAL.—'' before ''Section''.

Page 7, after line 24, insert the following new subsection:

(b) SPECIFIC EXCEPTIONS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) is amended by adding at the end the following new subsection:

''(e) SPECIFIC EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

''(1) the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004); or

''(2) the Consumer Credit Reporting Agencies Act of California (sections 1785.1 through 1785.36 of the California Civil Code).''.

H.R. 2622

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 9: Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 510. REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by inserting after subsection (e) (as added by section 403 of this Act) the following new subsection:

''(f) REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.—

''(1) IN GENERAL.—Any consumer may submit a request to a consumer reporting agency that any person who uses a consumer report of such consumer to establish a new credit plan in the name of the consumer utilize reasonable policies and procedures described in paragraph (4).

''(2) PLACEMENT IN FILE.—Any consumer reporting agency that receives a request from a consumer shall include the request in the file of the consumer.

''(3) NOTICE TO USERS.—No person who obtains any information from a file of any consumer from a consumer reporting agency that includes a request from the consumer under this subsection may establish a new credit plan in the name of the consumer for a person other than the consumer without utilizing reasonable policies and procedures described in paragraph (4).

''(4) REASONABLE POLICIES AND PROCEDURES.—The notice included by the consumer reporting agency pursuant to the request of the consumer shall state that the consumer does not authorize establishing any new credit plan in the name of the consumer, unless the user utilizes reasonable policies and procedures to form a reasonable belief that the user knows the identity of the person for whom such new plan is established, which may include obtaining authorization or preauthorization of the consumer at a telephone number designated by the consumer or by such other reasonable means agreed to.''.

H.R. 2622

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 10: Page 44, after line 3, insert the following new section (and conform the table of contents accordingly):

SEC. 406. PROHIBITION ON INCLUDING LATE PAYMENTS IN CREDIT REPORTS THAT WERE LATE DUE SOLELY TO DECLARED DISASTERS.

(a) IN GENERAL.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by inserting after paragraph (6) (as added by section 702(b) of this Act) the following new paragraph:

''(7) Any reference to a late payment that was due solely to a disruption caused by a declared disaster for which the agency receives notice under subsection (m).''.

(b) PROCEDURE FOR STRIKING ADVERSE INFORMATION DUE TO DECLARED DISASTER.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (l) (as added by section 203 of this Act) the following new subsection:

''(m) PROCEDURE FOR STRIKING ADVERSE INFORMATION DUE TO DECLARED DISASTER.—

''(1) NOTICE FROM CONSUMER.—Any consumer who—

''(A) resides in an area which has been declared a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

''(B) fails to make a payment on an obligation in a timely manner during the effective period of the declaration of a disaster; and

''(C) pays the obligation within 30 days after the end of such effective period,

may notify the creditor, with respect to such obligation, that the late payment was due to the existence of the declared disaster.

''(2) NOTICE TO CONSUMER REPORTING AGENCY.—Any creditor which receives a notice from a consumer under paragraph (1) shall notify any consumer reporting agency to which the creditor furnished information on the late payment described in such paragraph that the late payment was due to a disruption caused by a declared disaster.''.

H.R. 2622

OFFERED BY: MR. ROYCE

AMENDMENT NO. 11: Page 34, strike line 9 and all that follows through line 18, and insert the following new subparagraph:

''(A) IN GENERAL.—A consumer may dispute directly with a person the accuracy of information that is contained in a consumer report on the consumer prepared by a consumer reporting agency described in section 603(p), if—

''(i) the information was provided by the person to that consumer reporting agency in accordance with paragraph (1)(B);

''(ii) the consumer has disputed the accuracy of such information with the consumer reporting agency that prepared the consumer report pursuant to section 611;

''(iii) the consumer has received the results of the investigation from the consumer reporting agency and has requested that the consumer reporting agency reinvestigate the results in accordance with section 611; and

''(iv) the results of the consumer reporting agency's reinvestigation requested pursuant to (iii), as reported to the consumer, do not resolve the dispute.

Page 35, beginning on line 25, strike ''thereafter report correct information to'' and insert ''notify''.

H.R. 2622

OFFERED BY: MR. NEY

AMENDMENT NO. 12: Page 56, after line 16, insert the following new subsection:

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 624(b) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) (as amended by section 204(b) of this Act) is amended—

(1) by striking ''or'' at the end of paragraph (2); and

(2) by striking paragraph (3) and inserting the following new paragraphs:

''(3) with respect to the form and content of any disclosure required to be made under subsection (c), (d), (e), or (f) of section 609, except that this paragraph shall not apply—

''(A) with respect to sections 1785.10, 1785.16 and 1785.20.2 of the California Civil Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003) and section 1785.15 through section 1785.15.2 of such Code (as in effect on such date) and

''(B) with respect to section 12–14.3–104.3 of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

''(4) with respect to the frequency of any disclosure under section 612(e), except that this paragraph shall not apply—

''(A) with respect to section 12–14.3–105(1)(d) of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(B) with respect to section 10–1–393(29)(C) of the Georgia Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(C) with respect to section 1316.2–B of title 10 of the Maine Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(D) with respect to sections 14–1209(a)(1) and 14–1209(b)(1)(i) of the Commercial Law Article of the Code of Maryland (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(E) with respect to section 59(d) and section 59(e) of chapter 93 of the General Laws of Massachusetts (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(F) with respect to section 56:11–37.10(a)(1) of the New Jersey Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

''(G) with respect to section 2480c(a)(1) of the Vermont Statutes Annotated (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003).''.

H.R. 2622

OFFERED BY: MRS. BIGGERT

AMENDMENT NO. 13: Page 67, after line 25, insert the following new section (and redesignate the subsequent section and any cross reference to such section and conform the table of contents accordingly):

SEC. 509. COMMISSION TO EDUCATE OUR NATION'S TEACHERS AND STUDENTS ON FINANCIAL LITERACY SKILLS.

(a) FINDINGS.—The Congress finds as follows:

(1) A range of trends points to the need for individuals in the United States to receive a practical economics education that will give the individuals tools to make responsible choices about their limited financial resources, choices which will impact individuals' credit ratings.

(2) An individual's credit rating will affect his or her ability to buy a home, finance education, establish a small business and prepare for retirement.

(3) Building and maintaining sound credit requires knowledge of personal finance and economics.

(4) Basic economics education is a key to understanding personal finance.

(5) A number of Federal departments and agencies have implemented programs to improve personal finance and economics education, including the Departments of Education, Labor, Treasury, and Housing and Urban Development, as well as the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Trade Commission and the Securities Exchange Commission.

(6) Coordinating existing Federal efforts, maximizing the impact of existing private sector efforts, and identifying and promoting best practices are necessary to improve economic and personal finance education and to improve individuals' credit and economic well-being.

(b) AUTHORITY TO ESTABLISH COMMISSION.—Not later than January 31, 2005, the President shall convene a Commission to Educate our Nation's Teachers and Students on Financial Literacy Skills (hereafter in this section referred to as the ''Commission'') to examine and identify government policies that promote economic and financial literacy.

(c) SCOPE OF THE COMMISSION.—The scope of the Commission shall consist of issues relating to economic and financial education.

(d) PURPOSES.—The purposes of the Commission shall be—

(1) to make recommendations on integrating economic and personal finance education into primary, secondary, and postsecondary curricula;

(2) to identify and make recommendations regarding best practices in economic and personal finance education;

(3) to make recommendations on coordinating existing Federal and private sector economic and financial literacy education programs; and

(4) to make recommendations on ways to improve education at all levels regarding credit managment, credit reports, credit scores and dispute resolution.

(e) COMMISSION MEMBERS.—To carry out the purposes of the Commission, the Commission shall include—

(1) 3 members appointed by the President, one of whom shall be designated by the President as the Chairperson of the Commission;

(2) 2 members appointed by the Speaker of the House of Representatives;

(3) 2 members appointed by the minority leader of the House of Representatives;

(4) 2 members appointed by the majority leader of the Senate; and

(5) 2 members appointed by the minority leader of the Senate.

(f) APPOINTMENT REQUIREMENTS.—The Commission members shall—

(1) be appointed not later than January 31, 2005; and

(2) include at least one representative of each of the following groups:

(A) Primary and secondary educators.

(B) Postsecondary educators.

(C) The financial services industry.

(D) State and local governments.

(E) organizations involved in promoting economics education.

(g) COMMISSION ADMINISTRATION.—

(1) ADMINISTRATION.—In administering this section, the Chairperson of the Commission shall—

(A) request the cooperation and assistance of such Federal departments and agencies as may be appropriate in the carrying out of this section;

(B) furnish all reasonable assistance to State agencies, area agencies, and other appropriate organizations to enable them to provide testimony and otherwise participate in the Commission's hearings;

(C) make available for public comment a proposed agenda for the Commission that reflects to the greatest extent possible the purposes for the Commission set out in this section;

(D) prepare and make available background materials for the use of participants in the Commission that the Chairperson considers necessary; and

(E) appoint and fix the pay of such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay-rates.

(2) DUTIES OF THE CHAIRPERSON.—The Chairperson of the Commission shall, in carrying out the responsibilities and functions of the Chairperson under this section, ensure that—

(A) the Commission shall hold hearings in accordance with this section;

(B) the Commission shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in economic education; and

(C) the agenda prepared under paragraph (1)(C) for the Commission is published in the Federal Register.

(3) NONAPPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings to receive testimony related to the recommendations to be included in the Commission's report identified in subsection (i)(3).

(2) FIELD HEARINGS.—The Commission shall conduct at least 4 hearings to be held in different States.

(i) REPORT.—

(1) IN GENERAL.—The Commission shall prepare a report describing the activities and recommendations of the Commission and shall submit the report to the President, the Speaker and Minority Leader of the House of Representatives, the Majority and Minority Leaders of the Senate, and the chief executive officers of the States not later than July 1, 2005.

(2) APPROVAL OF REPORT.—Approval of the Commission's report shall require a majority of the Commission.

(3) REPORT CONTENTS.—In addition to summarizing the activities of the Commission, the report shall include proposals for improving economics and finance education, including recommendations for—

(A) integrating high quality, standards-based economic and financial education in the curricula of primary, secondary and postsecondary education;

(B) identifying best practices in the teaching of economics and personal finance including teacher training and development of curricular materials;

(C) coordinating and enhancing existing federal and private sector efforts to improve economic education and financial literacy;

(D) assessing and identifying best practices for the training of teachers and educators in economics and finance; and

(E) improving public and private efforts to educate consumers regarding credit management, credit reports, credit scores, dispute resolution and related issues.

(j) DEFINITION.—For purposes of this section, the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years beginning on or after October 1, 2004, such sums as are necessary to carry out this section.

(l) FINANCIAL OBLIGATION FOR FISCAL YEAR 2005.—The financial obligation for the Commission for fiscal year 2005 shall not exceed $500,000.

(m) CONTRACTS.—The Chairperson of the Commission may enter into contracts to carry out the Chairperson's responsibilities under this section. The Chairperson shall enter into a contract on a sole-source basis to ensure the timely completion of the Commission's activities.

H.R. 2622

OFFERED BY: MR. SHADEGG

AMENDMENT NO. 14: Page 28, after line 20, insert the following (and conform the table of contents accordingly):

SEC. 208. PROHIBITED ACTIONS WITH RESPECT TO SOCIAL SECURITY NUMBERS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) DISPLAY.—The term ''display'' means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's social security number.

(2) PERSON.—The term ''person'' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

(3) PURCHASE.—The term ''purchase'' means providing directly or indirectly, anything of value in exchange for a social security number.

(4) SALE.—The term ''sale'' means obtaining, directly or indirectly, anything of value in exchange for a social security number.

(5) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

(b) PROHIBITED ACTIONS WITH RESPECT TO AN INDIVIDUAL'S SOCIAL SECURITY NUMBER.—Subject to subsections (e) and (f), no person may engage in any of the following:

(1) Display in any manner an individual's social security number.

(2) Print or otherwise display an individual's social security number on any card, or other means of access, required for the individual to access products or services provided by the person to the individual.

(3) Require an individual to transmit the individual's social security number over the Internet, unless the connection is secure or the social security number is encrypted.

(4) Require an individual to use the individual's social security number to access an Internet Web site, unless a password, unique personal identification number, or other authentication device is also required to access the Internet Web site.

(5) Print or otherwise display an individual's social security number on any communications by the person to the individual, unless Federal or State law, or any Federal agency or any contractor with the Federal Government (under color of Federal law), requires the individual's social security number to be included on such documents.

(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual's social security number without the affirmatively expressed consent of the individual.

(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's social security number shall—

(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

(e) EXCEPTION FOR CERTAIN COMMUNICATIONS.—Subsection (b)(5) shall not apply with respect an individual's social security number included on documents sent by mail—

(1) in connection with an application or enrollment process initiated by the individual; or

(2) to establish, amend, or terminate an account held by the individual with the person; or

(3) to verify the accuracy of the individual's social security number.

(f) EXCEPTION FOR PRIOR ON-GOING USE.—Subsection (b) shall not apply to the use by a person of an individual's social security number in a manner that is inconsistent with such subsection if—

(1) the use by such person of the individual's social security number in such manner began before the date of the enactment of this Act;

(2) the use by such person of the social security number in such manner is continuous; and

(3) the person notifies the individual, in writing, before the end of the 30-day period beginning on the date of the enactment of this Act and annually thereafter, that the individual has the right to require such person to stop using the individual's social security number in a manner inconsistent with subsection (b).

(g) INDIVIDUAL'S REQUEST TO STOP INCONSISTENT USE.—

(1) IN GENERAL.—If a person receives a written request from an individual to stop using the individual's social security number in a manner that is inconsistent with subsection (b), the person shall fully comply with such request before the end of the 30-day period beginning on the date of the receipt of the request.

(2) DENIAL OF PRODUCTS OR SERVICES PROHIBITED.—A person may not deny any product or service to an individual, or otherwise discriminate against such individual in the provision of any such product or service, solely on the basis that the individual submitted a request described in paragraph (1).

(h) COORDINATION WITH OTHER LAW.—

(1) IN GENERAL.—No provision of this section shall be construed as prohibiting or limiting the display or use of an individual's social security number by any person—

(A) to the extent required or authorized under any Federal or State law, or by any Federal agency or any contractor with the Federal Government (under color of Federal law);

(B) for internal verification or administrative purposes of the person;

(C) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

(D) for a national security purpose;

(E) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

(F) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including—

(i) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

(ii) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers; or

(iii) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

(G) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

(H) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this paragraph shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public.

(2) BUSINESS SAFEGUARDS.—

(A) IN GENERAL.—In furtherance of the provisions of paragraph (1)(F), the Federal Trade Commission shall establish appropriate standards for businesses relating to administrative, technical, and physical safeguards—

(i) to insure the security and confidentiality of social security numbers;

(ii) to protect against any anticipated threats or hazards to the security or integrity of social security numbers; and

(iii) to protect against unauthorized access to or use of social security numbers which could result in substantial harm or inconvenience to any customer.

(B) SAFE HARBOR.—Any person who is subject to the safeguard standards under section 501(b) of the Gramm-Leach-Bliley Act and is in compliance with such standards shall be deemed to be in compliance with the standards under subparagraph (A).

(3) STUDY AND REPORT.—

(A) IN GENERAL.—The Commissioner of the Social Security Administration shall conduct a study and prepare a report on all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law and State and local uses of social security numbers.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commissioner of the Social Security shall submit a report to Congress on the study conducted under this paragraph.

(C) CONTENTS OF REPORT.—The report shall include—

(i) a detailed description of the uses of an individual's social security number that are allowed as of the date of enactment of this Act;

(ii) an evaluation of whether such uses should be continued or discontinued by appropriate legislative action; and

(iii) such other recommendations for legislative or administrative action as the Commissioner determines to be appropriate.

(i) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not less than $5,000 for each such violation; and

(B) to a civil penalty of not less than $50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) DETERMINATION OF VIOLATIONS.—Any knowing violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a–7a) to the Secretary shall be deemed to be a reference to the Attorney General.

(j) EFFECTIVE DATE.—This section shall apply after the end of the 180-day period beginning on the date of the enactment of this Act.

H.R. 2622

OFFERED BY: MS. LEE

AMENDMENT NO. 15: Page 7, strike line 15 and all that follows through line 24 and insert the following:

Section 624(d)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

''(2) do not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.''.

H.R. 2622

OFFERED BY: MRS. KELLY

AMENDMENT NO. 16: Page 44, after line 22, insert the following new subsection:

(c) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by inserting after subsection (g) (as added by section 702(e) of this Act) the following new subsection:

''(h) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—

''(1) IN GENERAL.—If the Federal Trade Commission and the Board of Governors of the Federal Reserve System determine that consumer reporting agencies have been temporarily overwhelmed with requests for disclosures of consumer reports under section 612(e) beyond their capacity to deliver such reports in a timely fashion, the Commission and the Board, by order, may implement such measures as the Commission and the Board determine to be necessary for a limited time to regain equilibrium between the ability of the agencies to disclose consumer reports and consumers' demands for such reports.

''(2) PROTECTION FOR EMERGENCY AND TIME-SENSITIVE REQUESTS.—In issuing any order under paragraph (1), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall ensure that, during the effective period of any such order, creditors, other users, and consumers continue to have access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft.''.

H.R. 2622

OFFERED BY: MR. OXLEY

AMENDMENT NO. 17: Page 7, after line 9, insert the following new subsection:

(d) CRITERIA FOR ORDERLY IMPLEMENTATION OF FREE ANNUAL CREDIT REPORT PROVISION.—

(1) IN GENERAL.—In developing the regulations and effective dates under subsection (a) (and subject to the time limits in paragraph (2) and subsection (a)), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall provide a systematic approach for implementing the amendment made by section 501 that allows for an orderly transition to the consumer report distribution system required by the amendment in a manner that—

(A) does not temporarily overwhelm consumer reporting agencies with requests for disclosures of consumer reports beyond their capacity to deliver; and

(B) does not deny creditors, other users, and consumers access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft, during the transition period.

(2) PROHIBITION ON EXTENSION OF EFFECTIVE DATE.—

(A) ONE-TIME AUTHORIZATION.—The Federal Trade Commission and the Board of Governors of the Federal Reserve System may exercise the authority provided under paragraph (1) only once during the 2-month period referred to in subsection (a)(1).

(B) EXTENSION OF EFFECTIVE DATE PROHIBITED.—No provision of this subsection shall be construed as extending, or authorizing the Federal Trade Commission or the Board of Governors of the Federal Reserve System to extend, the 2-month period referred to in subsection (a)(1) or the 10-month period referred to in subsection (a)(2) relating to the requirements imposed on consumer reporting agencies by the amendment made by section 501.

Page 10, strike line 12 and insert ''inserting '(and to specific identity theft prevention subjects covered)' after''.

Page 20, line 7, insert ''a summary of rights, or other disclosure, that is the same as or substantially similar to'' after ''with''.

Page 20, after line 14, insert the following new subsection:

(c) EFFECTIVE DATE.—Paragraph (2) of section 609(d) of the Fair Credit Reporting Act (as added by subsection (a) of this section) shall apply after the end of the 60-day period beginning on the date the model summary of rights is prescribed in final form by the Federal Trade Commission pursuant to paragraph (1) of such section and in accordance with section 3(a) of this Act.

Page 27, line 4, strike '', or duplicative of,''.

Page 28, line 4, strike ''credit'' and insert ''consumer''.

Page 28, strike line 7 and insert ''the biometric industry, and the''.

Page 28, line 8, strike the comma after ''public''.

Page 32, line 11, insert '', using an address or a notification mechanism specified by the consumer reporting agency for such notices'' before the period.

Page 35, beginning on line 25, strike ''thereafter report correct information to'' and insert ''notify''.

Page 36, line 3, strike the period, the closing quotation marks, and the second period and insert ''of that determination and provide to the agency any correction to that information that is necessary to make the information provided by the person accurate.''.

Page 36, after line 3, insert the following new subparagraph:

''(D) FRIVOLOUS OR IRRELEVANT DISPUTE.—

''(i) IN GENERAL.—The requirements of this paragraph shall not apply if the person receiving a notice of a dispute from a consumer reasonably determines that the dispute is frivolous or irrelevant, including—

''(I) by reason of the failure of a consumer to provide sufficient information to investigate the disputed information; or

''(II) the submission by a consumer of a dispute that is substantially the same as a dispute previously submitted by or for the consumer, either directly to the person under this paragraph or through a consumer reporting agency under subsection (b), with respect to which the person has already performed the person's duties under this paragraph or subsection (b), as applicable.

''(ii) NOTICE OF DETERMINATION.—Upon making any determination under clause (i) that a dispute is frivolous or irrelevant, the person shall notify the consumer of such determination not later than 5 business days after making such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the person.

''(iii) CONTENTS OF NOTICE.—A notice under clause (ii) shall include—

''(I) the reasons for the determination under clause (i); and

''(II) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.''.

Page 56, line 16, insert before the closing quotation marks the following new sentence: ''This paragraph shall not apply to a person described in subsection (j)(4)(A)(i), but only to the extent that such person is engaged in activities described in such subsection.''.

Page 60, line 16, insert ''or the financial institution reasonably believed that the institution is prohibited, by law, from contacting the consumer'' before the period.

Page 73, strike line 6 and all that follows through line 14, and insert the following new subparagraph:

''(C) the information to be furnished pertains solely to transactions, accounts, or balances relating to debts arising from the receipt of medical services, products, or devices, where such information, other than account status or amounts, is restricted or reported using codes that do not identify, or do not provide information sufficient to infer, the specific provider or the nature of such services, products, or devices, as provided in section 605(a)(6)).

Page 75, line 8, strike ''purpose'' and insert ''purposes''.

Page 75, line 21, insert ''(and which shall include permitting actions necessary for administrative verification purposes)'' after ''needs''.