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House of Representatives

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—Continued

□ 2100

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

First let me again thank the gentleman from New York (Mr. MCHUGH) for his incredible leadership year in and year out to our servicemen and -women. As the person in this House who has responsibility for overseeing personnel matters, he has been a tremendous leader and I thank him. Our military families are living a better quality of life because of his leadership.

I am very grateful that today we are not disagreeing with the vote on this motion to instruct, while there may be some subtle difference in what the approach should be. In terms of responding to the gentleman's comments, I just say, I would welcome his leadership in helping us work on a bipartisan basis to address any inequities to our servicemen and -women that are single parents. Obviously, a single parent with two children back home that is separated from those children has an additional cost of living. I am not sure either the House or Senate position on this bill really addresses that inequity. I thank the gentleman for pointing out that problem, and I hope we could work together with him on that.

Let me just conclude by saying, Mr. Speaker, why I think clarity is so important, and I do not think the gentleman argues with this at all. Let me read some excerpts from some letters from soldiers in my district where Fort Hood is represented, the only two-division Army installation in America today, an installation that presently has over 18,000 troops deployed to Iraq.

One letter said to me, "Congressman, I am sickened with the flow of information regarding the upcoming cut in sep-

aration pay and hostile fire pay. I keep asking myself, Why? Our government is giving away billions of dollars to help other countries and millions just for information. Yet they are going to cut our benefits by \$225. If anything, our military should be getting paid more, not less."

The second letter, reflecting also the confusion out there across our military families: "Congressman, is it true that the government is trying to make obsolete the family separation allowance and the hazardous duty hostile fire pay that soldiers are receiving while they are overseas? My husband is over in Iraq and he works hard for his country to see that his family has a safe life over here. I'm trying to convince him to reenlist, but with what the government is doing to these soldiers, it's hard to try and convince them that the military is the best way to go."

The letter goes on to talk about the sacrifices of the families. I think it just emphasizes the point that, right or wrong, there is confusion across the country with our military families about whether their separation pay and hostile fire pay is going to be cut in the next several weeks. If the conferees will accept this motion to instruct, then we can get rid of those rumors, get rid of the uncertainty and send a clear message that we do respect our servicemen and -women, their families and their sacrifices with our actions and not just with our words.

Mr. Speaker, I would ask all my colleagues on a bipartisan basis to support this motion to instruct, support our troops wherever they might be serving in harm's way. We can thank them tonight with a meaningful commitment to ensure that their pay is not going to be cut in the weeks ahead.

Mr. ORTIZ. Mr. Speaker, I rise in support of the motion by the gentleman from Texas, to permanently raise the hazard pay for all members of the U.S. military and family separation pay for those they left behind.

As a former soldier, as a member of the House Armed Services Committee, as an American, as a human being . . . I am appalled at the insensitivity of the administration in not adequately providing hazard pay for our soldiers at a time when our mission in Iraq is not yet accomplished. Nor, more importantly, is our mission in the larger war on terror.

I very much understand the dynamic that led us to this place—this nation simply cannot afford the cost to our Nation to wage a worldwide war, and raise taxes on our children through tax cuts now. Our economic policy has become folly in the 21st Century.

But that is a topic for another debate—today my colleague from Texas, Mr. EDWARDS, offers a very important matter for the House to consider. Today conferees are meeting on the Defense Authorization bill and I join my colleague from Texas in urging the conferees to permanently increase hazard pay for our military personnel fighting our wars overseas—and to permanently increase family separation pay.

The administration should be ashamed. This Congress should be ashamed, too, if we do not support the motion by my Texas colleague and follow this issue to the end of the process. For if we only instruct our conferees, yet do not actually change the policy, we will not have done the job.

Mr. Speaker, any member of this chamber would be hard-pressed to find anyone in this nation who disagreed with the prospect of increasing the pay of our soldiers currently dodging bullets in Iraq—and always in danger in Afghanistan and elsewhere. We would also be hard-pressed to find anybody who disagreed with the prospect of offering a supplement to the families of military personnel, who are making do on less salary and are all alone in raising their children and conducting the business of the household—while their loved one is fighting a war we sent them to fight.

We all knew a war would be expensive. The cost of a war is high in the blood of Americans, in the loss to the family income of Reserve and Guard troops called to service, and most directly, in the actual expense of building and maintaining equipment and prosecuting the war.

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

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



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We send young people to war from this branch of government. Let us not abandon them on combat pay. Let us not abandon their families as they live their lives as best they can without their loved ones, and without the salary their loved one brings to the family if they are in the Guard or Reserve.

Mr. ISRAEL. Mr. Speaker, I rise to support this motion to stop outrageous plans to cut hazard and separation pay for troops. In fact, Mr. Speaker, I think it's appalling that we would balance the budget on the backs of our troops.

It is critical that we make the increase in imminent danger pay and the family separation allowance permanent for our Armed Services and their families and make it available to everyone in imminent danger, no matter where they are serving.

In April, Congress approved a much deserved pay raise for our men and women in Iraq and Afghanistan.

This was the least we could do for those who are risking their lives to secure our freedom.

It wasn't a lot of money—increases of \$75 a month in "imminent danger pay" and \$150 a month in "family separation allowances."

In fact, this was the first raise in "imminent danger pay" in over 10 years, and the first increase in the "family separation allowance" in over 5 years.

Now, as a Member of the Armed Services Committee, I have had the privilege of spending time with military personnel on the day of their deployments.

With 500 men and women of the Marine Corp. 2nd Battalion at Plainview, NY as they left for the Middle East and said goodbye to their families with the brave men and women at the U.S. Navy and Marine Reserve Center in Amityville.

One of my most vivid memories from that day is of a Marine kissing her child and saying, "I'll be back soon."

In her eyes, I saw determination and strength and faith and courage.

Could we ever look another soldier in the eye, if we allow these increases in imminent danger pay and family separation allowance to expire?

The right thing to do is to make the increases permanent. We know that the war on terrorism will be a lengthy one. It will require a deepest commitment.

Just yesterday, another American soldier was killed and another wounded in a bomb attack on their vehicles northeast of Baghdad.

The slain soldier was the 287th U.S. service member to die in the Iraq War. Sadly, we know that he will not be the last.

In the 24 hours before the soldier's death, the Pentagon reported that there had been 14 attacks on U.S. forces. Clearly, no one can ever doubt the bravery of our forces.

They know that sacrifices are necessary in the global campaign against terror. For the first time since the Vietnam War, army personnel are facing the possibility of doing back-to-back combat tours.

To fail to make these benefits permanent is to shortchange the moral contract we have with our soldiers. This is our chance to stand with our troops at home as they fight for our freedom abroad.

Many of our servicemen are already under severe financial stress due to their extended deployment. The effect on reservists and

members of the National Guard has been particularly devastating.

Let's keep our promise to those in uniform. Vote for this motion to instruct the conferees and authorize the necessary funds to help those who are fighting for us, for our families, and our future.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read 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 preceding provisions of this instruction, not

later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Tennessee (Mr. DAVIS) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DAVIS).

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

Mr. Speaker, sometimes we ask ourselves, why would I introduce this motion to instruct the conference committee? Seventeen other times this motion has been here on the floor. And you think, really, would it make a difference? Maybe it will not. But there are a lot of people who live in my district that hope that this one will be successful.

A few months ago, I voted for the \$80 billion bill that included families in my district that have children that really would hope that they too would get the same treatment as those who make 10 or \$15,000 more than them, that make above the \$26,000 level that basically were allowed the tax credit of \$400 each. So you wonder if it has been here 17 times, what is going to be magic about the 18th time? If it takes a thousand times, it is important to people who live in the district I represent.

Recent surveys by different groups analyzed different congressional districts. The one that I represent in rural Tennessee is the fourth most rural district in America, which means when you take the folks who live inside an incorporated area and those outside, of the 435, mine is the fourth most rural district in America. I traveled that district through the August recess. I attended 92 different meetings. A lot of the folks that I met with, a lot of folks who came to open meetings that I set aside for constituents to come and visit with their Congressman, this was one of the issues that really was of great concern to them.

But when you talk about being rural, then you look at the folks who work in the district that I represent. We have the third largest base of blue collar workers of any congressional district in America working in the fourth district, somewhat over 40 percent. Generally, you would assume blue collar would be the auto industry or some other industry that would pay higher wages. Yes, we have that in the district as well, but most of the ones I am talking about are individuals who fall in the criteria of the 10 to \$26,000 bracket. They are the lower-wage income earners. They are the ones who get laid off first. They are the ones generally that their employer are not able to provide a health care policy for them.

Many of those had high hopes as they saw us go through this process. There were times that I would be back in the district and they would say, why don't Democrats support a tax cut? What's the problem? Then when I explained to

them what happened, they are saying, you left us out. You left us out of at least that opportunity to share in a tax cut that went to other folks. Some folks will say, you don't get a tax cut. This is a tax credit for people who work every day, every day, that earns a check, that owns a home, has an automobile, pays almost 40 cents a gallon on gasoline when they drive to work.

I have a nephew who works at a factory in Crossville, Tennessee, in the district that I represent. He married my niece. They have two little boys. This past weekend, those two little boys along with my niece, my brother, his other daughter and the nephew that works at that factory helped hauling tobacco all weekend. Those two little boys are saying, Uncle Lincoln, it's good to see you. But I talked to Marty Brown about his earnings. He earned above the \$26,000 last year because he worked overtime. He checked at his factory on the 180 folks who work on that assembly line where he does, 40 of those were extremely disappointed that they were not included in the \$400 tax credit, the child tax credit that he received. On the particular assembly line where he works, there were only two that received it, his supervisor and him. He got the \$800 for his two children. But there were folks who worked with him that did not receive anything. They do not understand. They are hurt. They are disappointed. They are concerned.

The question that I ask is why would I introduce this legislation to instruct the conferees in the House to meet with the Senate to resolve this issue? As a Democrat who voted for the initial \$80 billion child tax credit, I am here appealing to the other side not to leave out those individuals that we included in the \$80 billion tax cost over the 10-year program. Let us at least work with the Senate for this year to make it possible, at least through 2004, to make it possible. That is what the Senate bill does. That is what the initial bill did, was only made it through 2004. The \$350 billion tax cut that was given that had the inclusion of those who would get a child tax credit only goes through 2004. It does not go through 2010 as the tax cut did in 2001.

Let us include, as the President asked us to and as the Senate has passed, a child tax credit for those individuals I am talking about, the 40 of that 180 who work in that one factory in my district, that are disappointed not only in just LINCOLN DAVIS but on the other side as well that they were excluded from the fairness that I think this Chamber has about it and I think this Chamber will and I hope this Chamber will correct it.

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

Mr. THOMAS. Mr. Speaker, I will reserve the balance of the time on this side until the gentleman is down to his last speaker.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman

from Florida (Mr. MEEK). His mother served here in this Chamber for many years, and we are fortunate to have a young man like him that is here today that will be speaking on the child tax credit.

Mr. MEEK of Florida. Mr. Speaker, I thank my colleague from Tennessee for his eloquent opening remarks as it relates to this child tax credit. I think it is very important, Mr. Speaker, that we look at the reason why we are here for the 18th time. One would assume in this country, in this great country of America as it relates to financially challenged families that make under \$26,000 a year and also those men and women that are fighting on behalf of the freedom that we enjoy every day, that we would not even have to come to the floor on their behalf and on behalf of their families to be able to receive a fair share from this government that they look up to.

This issue is not a new issue to this House. As my colleague from Tennessee references, this is the 18th time that Democrats have come to the floor to ask for fair play and equal justice for these individuals. I want to say that this issue as it relates to just months ago, we were here on this floor, Members sat in this Chamber, we voted for this tax credit, we wanted to make sure that every American was able to enjoy it; but until this day, they still cannot. Checks have been mailed out. They have not been mailed out to the low-income individuals in our country. I think it is important that we remember them.

Since we are on the eve of 9/11, I think it is important for me to point this out. I turn on the television, and I am seeing not only Members of this body but also members of the executive branch flying around, draping themselves in the flag, saying that we stand with our military families.

□ 2115

I believe they do, to a certain extent, only when it comes down to their families being able to receive a child tax credit.

Those men and women that are out there in Iraq and Afghanistan, and even here domestically in the United States working with our various military operations, those individuals that are in combat zones are going to receive combat pay. And, guess what? They are going to receive a tax increase due to that combat pay. Will they be able to celebrate a tax credit? No, they will not, not unless this motion to instruct actually passes and we are able to fight on their behalf.

I think it is important for us when we talk about coming together as Americans to make sure that we fight on behalf of 20,000 military families who were left out of the Republican new tax law. I think we should do as the other body has done. They have moved in the right direction to make sure many families, not only in my State of Florida, are able to receive a

tax credit. I think it is important that we do not muddy the water as it relates to what this Congress has done for low-income families.

My colleague from Tennessee mentioned my mother, Carrie Meek, who served in this body, and I am glad I have had the opportunity to follow in her footsteps. She was one that stood for the individuals that we may say are the least of these, hard-working Americans that are just trying to make their way in this free democracy.

I believe America is all about fair play. I believe America is all about individuals receiving their fair share for a hard day's work. But, unfortunately, many times I hear Members rise to their feet when we raise the question of the have's and have not's, and class warfare, and blue collar versus white collar, whatever the case may be.

But this is a perfect example as we are here in this Chamber today for the eighteenth time saying that just because someone makes under \$26,000 a year, that they cannot receive the same credit as those that are at a higher income bracket. Something is fundamentally wrong with that. I think it is important as we are here for the eighteenth time, and I look forward to this hopefully being the last time that we have to come to this floor and to this Congress to ask for justice on behalf of these families.

I cannot help but think of those individuals in Florida and throughout this Nation that have loved ones that are in a tent or out in a field, have sand in their teeth right now, fighting on behalf of this country and standing against terrorism, that we have to come and speak on their behalf, when it should be something that is automatic.

I must say to even those families that are not military families, I want to say it again, these are people that work every day. These are individuals that want to provide for their families every day. These are families working every day. I think it is important that we understand that we are not talking about people that are sitting at home with a bag of Lay's potato chips watching cable television. I think it is important we understand that these are people that punch in and punch out, they are catching a bus, driving their cars. They are paying the same \$2 a gallon for gas as I pay \$2 a gallon for gas.

So I think it is important that they receive the tax credit. I think it is important that this Congress stands up on behalf of these individuals.

Mr. Speaker, I want to commend my colleague from Tennessee for coming to the floor once again and being courageous on behalf of working families in the United States.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from California continues to reserve his time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, this is the people's House. Every single American should be represented here. Unfortunately, the Republican majority has turned this House over to the powerful and the privileged. Week in and week out, the Republican leadership neglects middle and lower income Americans, and there is perhaps no better example of this intentional neglect than the child tax credit.

How many nights will we as Democrats have to come to this floor to fight to provide for 12 million children of low income parents who were neglected by Republicans in their latest tax bill? Unfortunately, according to this morning's Roll Call newspaper, which I have here, we may be forced to continue our fight indefinitely. Why? Well, the chairman of the committee on Ways and Means, who is here on the floor, the gentleman from California (Mr. THOMAS), according to the article, refuses to work out the differences between separate House and Senate bills passed earlier this summer.

I have a quote here from the paper. Senator CHUCK GRASSLEY, the chairman of the conference, "Complained that Mr. THOMAS has been unresponsive to his entreaties to work out the differences between the House and Senate versions of the bill." That is in this morning's Roll Call on the first page.

You see, Mr. Speaker, the Republican leadership just cannot be bothered. These 12 million children do not have any power. These 12 million children are not among the privileged. Therefore, why should the Republican leadership represent them? Why bother? Why can the chairman, the gentleman from California (Mr. THOMAS), not respond to the letter from Senate Finance Committee Chairman CHARLES GRASSLEY attempting to work out differences between bills passed in the two Chambers?

I heard the chairman, the gentleman from California (Mr. THOMAS), say that he was going to address the House later this evening, and I hope he does answer the reason why he has not been responsive to the Senate chairman's letter.

In the article, Chairman GRASSLEY is quoted as saying, "I suppose I could call a conference meeting, but I'm not going to do that unless it is going to be productive. And right now, it doesn't look like it would be."

Chairman GRASSLEY concluded that the only way negotiations would begin was if Republicans felt some heat here on the floor from Democrats.

Well, they are going to get it. We are going to be here every night, and we are going to keep making these motions to instruct, and I commend my colleague for bringing this up.

Again, quoting Republican Chairman GRASSLEY, "The Democrats won't let it be dead, and I don't blame them. If I was them and the majority party wasn't doing something about it, I would make an issue of it too."

Well, I am glad that Chairman GRASSLEY feels that way, because that

is certainly what we are going to do. We demand a response. It is not fair for the Republican leadership to be unresponsive.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise Members not to make reference to individual Members of the other body.

Mr. PALLONE. Mr. Speaker, that last sentence that I quoted says it all. House Republicans do not want to help these 12 million children. If they did, the gentleman from California (Chairman THOMAS) would have responded to this letter.

It is also clear that President Bush does not want to help these children either. It has been 99 days since President Bush advised House Republicans to pass this child tax credit legislation and send it to him so he could sign it. The urgency the President showed in June has clearly dissipated. Not once since then has the President urged Congress to send him a bill that would provide these 12 million children a tax credit. If that silence is not an indication of the President's true intentions, I do not know what is.

Mr. Speaker, this is a simple question of fairness. How can Republicans say it is fair to give a millionaire a tax break of more than \$90,000, while giving nothing to millions of working families? Unfortunately, the simple answer is that as long as the Republicans remain in control of this House, we will not see fairness, for the simple reason that fairness can only occur when all Americans are represented, and under the control of the Republican leadership, unless you are part of the powerful privileged elite, your voice will simply not be listened to here.

The SPEAKER pro tempore. Does the gentleman from California continue to reserve his time?

Mr. THOMAS. Yes.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman from Hawaii (Mr. CASE).

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

Mr. CASE. Mr. Speaker, I thank the gentleman from Tennessee for his effort tonight, the eighteenth time that the Democrats in this House have tried to do the right thing, the fair thing.

Mr. Speaker, I have been a Member of this House now for 9 months, and I discovered in that 9 months that the issues that I face, the difficult issues that we all face, fall into three categories:

Category number one are the issues that I understand and I agree with, the solutions that are brought forward by this Congress.

Category number two are the issues that I understand, and I disagree with the solutions that are brought forward by this Congress. Those two categories we can all appreciate.

It is category number three that bothers me the most, and that is the category of things that I just do not

understand at all, no matter how long I stay on the floor of this House, no matter how long I listen to the arguments, no matter how long I try to understand what is the motivation of somebody for doing or not doing something.

Now, hopefully over time category number three will diminish with the time that I spend in this House. But I have been in this House now for 9 months, and this issue clearly falls into category number three, and I do not think it is ever going to exit category number three until we pass this child tax credit.

I have tried to understand, why are we not passing this? What is the problem? What is the big deal? What is so hard to understand about the fact that we have 12 million kids that are not covered by this credit, that we have families that are not covered by this credit, that we have poor people that are not covered by this credit, that we have soldiers coming back from overseas that are not covered by this credit?

I get letters from my constituents. I try to understand from my constituents and translate for them what is going on in Congress. Sometimes I can translate and say I understand and I agree, and we all agree on this, or I understand and I disagree. But this one throws me for a loop.

Here is just one of those communications, from a gentleman named Peter Gorham in Hawaii. He writes me, "Dear Representative Case, my wife and I recently adopted two orphans from Kazakhstan. The children are doing well and it is a joy to see them grow stronger every day as they recover from the terrible situation they were in."

"I write you today for this reason: We are shocked to find that our tax refund has been shortchanged by the sudden rescission of the child tax credit. As you know, adoption costs are very high and the Federal tax credits for adoption and the child tax credit are a welcome relief from a portion of these costs. It is a painful blow to take this from a Congress and administration that has prided itself on spoken words of tax reform, when in fact, the results appear to be the opposite. Please accept the responsibility to work for the reform of these egregious tax laws."

Mr. Gorham, I have no way of explaining to you what we are doing here tonight and what we continue to do, because I do not understand it myself.

Can it be that we do not have the money? That would be a pretty common explanation. Sorry, we cannot apply \$3.5 billion to a child tax credit that is fair after we have already spent multi-billions of dollars on a child tax credit for everybody else. Can that be it? Frankly, I am not sure I have heard anybody say that yet, and how could they say it? We just gave away hundreds of billions of dollars in tax cuts that people that do not need it. We just gave away multi-billions of dollars,

\$500 billion now and climbing, in a deficit that does not seem to matter to anybody.

I guess you could say well, why do we not just add another \$3.5 billion to the deficit. But we do not appear to be ready to do that.

We seem to be ready to spend another \$87 billion on Iraq and Afghanistan that is not even accounted for. And who thinks for one minute that that is the last amount of money we are going to spend in Iraq and Afghanistan? But we cannot spend \$3.5 billion on a child tax credit.

What else can it be? Can it be some rationale in our Tax Code that says somehow low income people should not be helped, whereas middle income people should be and higher income people should be? I cannot see that. I have heard the argument made on the floor. I have heard the argument made well, low income people do not pay taxes, and therefore they should not have a credit. I do not buy that argument. I do not understand it, and I do not think anybody else understands it too.

So what is it? What is the explanation? Why are we sitting here again for the eighteenth time trying to pass something that, to me, makes so much sense, that in the context of what we consider, in the context of who we are trying to help, makes so much sense?

When I walk back into my district back in Hawaii and I say, I wish I could explain this to you in a context that you can understand, I cannot do it.

So I am left with this question, so I ask this question, and I come up with this answer, and this is the best I can do for you: Because they do not want to. Because they do not want to.

It is not a matter of affordability, it is not a matter of tax policy, and it is certainly not a matter of caring about the people that are impacted. This issue has risen above all of that, and it is now just about winning. It is about not giving in. It is about maintaining face, as we call it, keeping face, and that is the wrong reason to not do the right thing.

I urge that we pass this motion and end this, and finish this once and for all.

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

Mr. Speaker, first of all, I do want to indicate that as to the statements that were made in terms of not understanding some third category as to why certain things have not been done, the gentleman really needs to simply examine the CONGRESSIONAL RECORD.

□ 2130

On June 12 of this year, the House passed a tax relief measure providing tax relief for astronauts, suspending the tax exempt status of designated terrorist organizations, providing tax relief and enhancing tax fairness for members of the Armed Forces. That has passed this House. It passed it in June. But it not only did that, it accelerated the increase in the refundable

child credit. The provision that passed on June 12 cost \$3.5 billion over 11 years.

As the very point of the gentleman from Tennessee (Mr. DAVIS) where he said he cannot understand why it has not been addressed, we have addressed it. I do not happen to know how he voted on the measure, but clearly enough Members of the House were concerned about that child credit provision, were concerned about the members of the Armed Forces, that that measure passed.

It is now over in the Senate. The Senate is the body that has not responded to these concerns.

Mr. Speaker, when we talk about entreaties, as was indicated in the quote from the other body, first of all, the other body is the Chair of the conference on the tax credit. All the other body has to do is simply call for a conference. They can moan, they can groan, they can complain. All they have to do is call for a conference. That call has not been made.

In terms of the reference to the 18th time that we have dealt with this issue, Mr. Speaker, I refer to my statement on the floor in regard to the non-binding nature of this motion to instruct and the tax applicability argument offered by the gentleman from New York (Mr. RANGEL) on page H5340 and H5341 of the CONGRESSIONAL RECORD of June 12, 2003.

Mr. Speaker, I would refer to the statement I made on the floor in response to the motion to instruct offered by the gentlewoman from Connecticut (Ms. DELAURO) on page H6828 of the CONGRESSIONAL RECORD of June 2003. Repeatedly, this motion has failed.

I do want to indicate so that everyone understands that on the 18th try or the 19th try or the 20th try, every page in the CONGRESSIONAL RECORD cost the taxpayers \$575. Quite a sum in terms of showing how many times they are willing to refuse to admit this House passed tax relief for child credit on the amount they stated and aid to armed services.

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

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

Mr. Speaker, the question I asked is why would I come here for the 18th time. There is a reason. The \$500 or whatever it cost today or whatever it cost for those 18 times, I guarantee the folks sitting back home expect me and expect those of us in this Chamber to be fair with them as well.

As we talk about the 6.5 million lower-income families, this is a comment made today in one of the publications, If it ain't dead, it is doing a pretty good impression, said one Senate GOP aid about the bill which caught fire in June when the media reported that about 6.5 million lower-income individual families had been left out of President Bush's \$350 billion tax cut.

The reference was made that we have not had a conference committee nor a call. On the Senate side the chairman said, "I suppose I could call a conference meeting, but I am not going to do that unless it is going to be productive. And right now it does not look like it would be." We have not gotten a response from them to our letter about the conference that we sent this summer.

As I said earlier, I voted for the \$80 billion tax package on June 12. That included the families I mentioned a moment ago that I personally know and that each of us knows.

Now, when we talk about those folks, we are not talking about Democrats and Republicans; my colleagues have not heard me make reference today to either political party. My hope and my request is that all of us will realize that this is not a Democrat or Republican issue, that really what it is is an issue about people back home who really feel they have been left out. And do my colleagues know something? I agree with them; they have been left out. And I think those of us in this Chamber, when we talk about we have passed the bill, we have done what we should do, we did not do what the President asked us to do. That does not necessarily mean we have to. But he asked that these families be covered with the child tax credit, and the Senate passed a \$3.5 billion bill that did just exactly that. They went above the \$350 billion agreement that they had agreed on, but they still passed that shortly after the \$350 billion tax cut was passed in this Chamber, which reduced dividend earnings to 15 percent and capital gains to 15 percent, I believe. These individuals who work every day, we did not give them anything. We have left them out.

So as we talk about why are we back, in number five of this motion to instruct, "The House conferees shall, as soon as practicable, after the adoption of this motion, meet in open session," and it says please, basically, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the provisions of this instruction not later than the second legislative day after adoption of this motion.

In essence, what we are trying to do is get within a short period of time, perhaps no more than 2 days after passage, a gathering of those folks in the House and the Senate who will compose a conference committee that will reach out, as the Senate has done, to those lower wage-earners who live in our districts. Who do they vote for? Someone voted for me. Someone voted for my opponent. Who did they vote for in anybody else's district? Some voted for Republicans, and some voted for Democrats. This is not an issue about who we are helping, it is who we are hurting; and the ones we are hurting are the low-income families who have children at home and who go to work every day.

My request is that we pass this instruction to the conferees and that we get on with business.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion.

There was no objection.

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

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

Mr. DAVIS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. MICHAUD. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read 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.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Maine (Mr. MICHAUD) and a Member of the opposing party each will control 30 minutes.

The Chair recognizes the gentleman from Maine (Mr. MICHAUD).

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

Mr. Speaker, I rise to offer a motion to instruct conferees on H.R. 1, the Medicare prescription drug bill.

Mr. Speaker, this motion instructs conferees to do two simple things, two things that the House bill does not accomplish: one, it asks them to provide a guaranteed prescription drug benefit for all seniors; number two, it asks them to preserve Medicare as we know it today.

Upon signing the Medicare law in 1965, President Lyndon Johnson said, "Every citizen will be able, in his productive years when he is earning, to insure himself against the ravages of illness in his old age." It says "every citizen." Yet, the bill passed by this body does nothing to guarantee a prescription drug benefit for any citizen and attempts to privatize Medicare in 2010.

The proponents of this bill trumpet choice and competition between private plans as the way to provide the best benefit to Medicare beneficiaries. Yet, the truth of the matter is the only

choice that will be made will be made by private insurance companies choosing not to serve rural areas. In fact, 80 percent of rural Medicare beneficiaries, including all of the State of Mainers, currently live in areas that private insurance plans have chosen not to serve. Yet, this legislation does not contain a fall-back provision. Medicare+Choice has not worked in many areas, including my State of Maine, and there is a very good chance that this drug bill will not work either.

Where does that leave rural Americans? Out in the cold without a benefit. Without a fall-back provision, we are abandoning all rural seniors at a time when they need it the most.

As if the problems with this bill were not enough, it contains a premium assistance provision that aims to privatize Medicare by phasing out the traditional fee-for-service plan and replacing it with a voucher program in 2010.

This harmful provision would force Medicare to compete with private HMOs that will appeal to younger, healthier seniors, leaving traditional Medicare with those seniors who need a more comprehensive benefit. This change in the pool of beneficiaries will cause Medicare premiums to rise and become unaffordable, jeopardizing the long-term viability of the traditional Medicare program and abandoning seniors yet once again.

Do not be fooled by the arguments for premium assistance. It is just another step towards privatization of Medicare and elimination of the only plan available to seniors in areas such as the State of Maine, the traditional Medicare plan. Forcing rural seniors into private plans and making them give up traditional Medicare without a guarantee of coverage is not the right approach and is a disservice to rural Americans, but that is what this bill would actually do.

Like my colleagues who will also speak in support of this motion, I want to pass a real prescription drug benefit; but I will not vote for a plan that hurts America's seniors. Health care coverage is nothing if you do not have access to it. We have a historic opportunity to add a much-needed prescription drug benefit; but without guaranteed coverage, we have failed.

Let us take an important step today and guarantee coverage to all seniors by providing a real prescription drug benefit, not a thinly veiled attempt to privatize Medicare and abandon rural seniors.

Mr. Speaker, I urge my colleagues to vote for this motion to instruct.

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to the motion to instruct, and I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Maine has some very important concerns. It is unfortunate that he has not read the bill. This is the very best bill for rural America that this House has

ever considered. It addresses the problems of rural hospitals, of rural physicians in a way that no preceding bill ever has.

□ 2145

And that is in part because of bipartisan support that it attracted in the House. It is also true that this bill provides a prescription drug benefit to every citizen, every senior. And it is a disservice to seniors to imply that it does anything else. It provides an entitlement to prescription drugs for seniors, every senior. Secondly, it does not allow plans to discriminate between healthy seniors and unhealthy seniors.

Now, I do not fault the gentleman from Maine (Mr. MICHAUD) for not really understanding this. He is not a member of the committee. He has not been deeply involved in this bill, but if he were involved in this bill, he would know that the administration has now developed ways to risk adjust in 62 different categories, and it is not going to be possible for these plans to select healthy seniors and discriminate against unhealthy seniors. That is an issue of the past.

So this bill does not in any way privatize Medicare. It provides exactly the same program for seniors that we have been providing but a far better program, a programming that meets the challenges of 21st century medicine to manage chronic illness, that meets the challenge of Medicare covering prescription drugs, that meets the challenge that our seniors face in their everyday lives in their battles with chronic illness and their need and desire and health demand for prescription drugs.

This is an extraordinarily progressive modernization of Medicare, and this motion to instruct the conferees in two portions of the bill is extremely misguided, and I urge my colleagues to vote against it. It is important that in Medicare, Medicare control all parts of the plan, fee-for-service and also the plans. We have had those plans for a number of years. All those plans are controlled.

All we want is for seniors to have a strong fee-for-service program, and for seniors to have the kind of choice that the Federal employees have, and that is exactly what this bill provides. But the government controls all the choice plans just like they control all the Federal employee health benefit choices as well. This is a progressive plan.

This is an ill-thought-out motion to instruct, and I urge my colleagues to vote against it.

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

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

Mr. Speaker, the gentlewoman from Connecticut (Mrs. JOHNSON) is wrong. This plan does not provide that every senior will have a plan. This plan, all it does is provide the right for an individual to buy a private plan. It does not guarantee that plan.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am amazed when I listen to the comments of the gentlewoman from Connecticut (Mrs. JOHNSON) and she said that this plan, I assume she is talking about the House-passed plan, does not privatize Medicare.

The fact of the matter is that this motion to instruct that gentleman from Maine (Mr. MICHAUD) has so ably introduced and spoke upon, makes the point in his motion to instruct that the Republican House bill does exactly that. It does privatize Medicare.

And the motion to instruct essentially has two points. One is that we have to get rid of the overall privatization of Medicare because in the House bill essentially it says you get a voucher and by the year 2010, if you do not go into a private plan for all of Medicare, not just for prescription drugs, then you have to pay more if you want to stay in traditional Medicare.

So what happens is because you essentially force seniors to either take a private plan and find a private plan or this they do not want to stay and buy that private plan, stay in traditional Medicare, they have to pay more, you will eventually price traditional Medicare, fee-for-service Medicare, out of the market and the only thing left for the senior will be to take a private plan.

That is exactly what the motion to instruct tries to get rid of, this voucher system, this premium support system, that essentially forces privatization on the senior citizens by the year 2010.

The second thing that the motion to instruct tries to accomplish is to say that you do not have to join an HMO or a private plan to get your prescription drugs. Because if you look at the House plan there is really no way to get any kind of valid or valuable prescription drug benefit unless you join an HMO or some kind of private plan. And the second part of my colleague from Maine's (Mr. MICHAUD) motion to instruct says that unlike the House bill, we should adopt the Senate bill which essentially has a fallback and says that if you cannot find these private plans to provide you with prescription drugs, then you can stay in traditional Medicare and get the prescription drug benefit.

I kind of resent the fact that the gentlewoman from Connecticut (Mrs. JOHNSON) not only says inaccurately that the Republican House bill does not privatize Medicare, but she even tried to denigrate the gentleman from Maine by suggesting that he did not know what he was talking about when he said that in fact it does privatize. And then she went on to talk about how in rural areas they are somehow going to be favorably received. Well, the problem that the motion to instruct tries to deal with is particularly of concern to rural areas because it is most likely those rural areas where you are not going to be able to find a private HMO

or a private plan that would provide you prescription drugs. And if you do not have the fallback that is in the Senate bill that says you should get it under traditional Medicare and you are living in one of those rural areas that does not have an HMO, you are not going to get the prescription drug benefit.

So it is totally inaccurate for the gentlewoman to say that this House Republican plan does not privatize Medicare. That is exactly what it does. It basically provides the incentive that if you want a prescription drug plan, you have got to go private to an HMO. And it goes beyond that by saying that in the long run, by the year 2010, you have got to have a private plan for all of your Medicare needs, otherwise you will pay an extra \$500 a month or a year or \$1,000 a year and eventually be priced out of the market.

I have no idea where she is coming from on this issue. You have to vote for this motion to instruct if you want to make sure that we do not privatize Medicare. That is exactly what the Republicans have in mind because they do not like Medicare. They never liked it from the beginning. They want to force senior citizens to go into private plans and not have traditional Medicare.

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

Mr. PALLONE. I yield to the gentleman from Maryland.

Mr. HOYER. Is the gentleman saying that there is no reason to oppose this motion which says do not privatize Medicare if, in fact, their plan does not do that?

Mr. PALLONE. Reclaiming my time, I suppose you could argue that, that if they really believed that this does not privatize Medicare, they should agree to the motion. I agree with the Democratic Whip. But the problem is they are privatizing Medicare and that is why they have to oppose the motion.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, it is very important for everyone to understand that this Medicare bill provides to the choice for seniors. It is entirely voluntary.

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

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentlewoman for yielding me time. I thank her for her leadership on this issue.

Let me address a couple of the inaccuracies that the last speaker mentioned. That is the word we are using, "privatize." Under the definition on the other side of privatization, under their definition Medicare is already privatized then, because Medicare right now is private providers providing care for our seniors.

All the doctors in your country do not work for the Federal Government, the hospitals, the nursing homes. What it is is Medicare paying the bills to private providers to provide care for our seniors. Right now you have HMO's

through Medicare providing care to our seniors. So today, under your logic, Medicare is already privatized. The point is this is not privatizing Medicare.

I would like to bring the gentleman from New Jersey's (Mr. PALLONE) attention to page 260 in the legislation where it says, "No change in Medicare's defined benefit package" shall occur. "Nothing in this part," and this is the title they seek to strike, "or the amendments made by this part, shall be construed as changing the entitlement to defined benefits under parts A and B of title XVIII of the Social Security Act."

The point is this is not privatizing Medicare. What we are simply doing is adding to the choices that seniors have to make in their lives. And the kind of choices that we want to give seniors entitlement to are the same choices that we, as Members of Congress have, and 9 million other Federal workers and their loved-ones have in choosing their health care.

So what we are saying here is every senior will always have access to traditional Medicare fee-for-service. Will their premiums go up by \$500 like the gentleman from New Jersey (Mr. PALLONE) said? No. The CBO says their premiums may go down. If anything their premiums could go up by a dollar a month. That is hardly a big increase given the fact that we are also covering prescription drugs.

Now, I answer the question about rural. If you take a look at rural America, this is the most significant, the most significant package for rural America since Medicare was written in 1965. The House bill dedicates over \$27 billion in payments to rural America to improve its Medicare program. That is even more than what the other body is doing.

Now, I simply want to put a point here, and that is this: We have to recognize the facts that Medicare itself is going insolvent. If we do nothing, if we do not pass this prescription drug bill, Medicare is going to go insolvent and bankrupt. If that time when we see an America where we have 40 million retirees today coming to the day within 15 to 20 years when we will have 77 million retirees, that is a day we must be prepared for. And so the Medicare actuaries are telling us if we want to make Medicare whole for the baby boomers before adding a prescription drug benefit, we will have to raise Medicare FICA taxes by 80 percent if we are going to do it on FICA taxes.

If you throw a prescription drug benefit on there, we could raise as much as 120 percent to keep Medicare solvent for the baby boomers. We do not want to see that happen because that would cost us jobs. That would be bad for the economy. What we want to see happen is a Medicare that is solvent, that is here for the baby boomers when they retire, and that is better for today's seniors. And by making it better for today's seniors, we will give them an entitlement to prescription drug benefits.

We will give them the same kinds of choices we, as Members of Congress, have when we pick health care for our families.

Those are the kinds of choices we are giving seniors in this legislation. It is not privatizing Medicare. Medicare will be the overseer, the regulator, the overseer of all of these programs just like it does today. What we are simply trying to do is improve benefits for today's seniors by modernizing it with a prescription drug benefit, giving them more choices like we as Congressmen and Congresswomen have, and do so so we can make this thing solvent, so this very, very important and vital program in the Federal Government will be there for the baby boomers when they retire, so we are not faced with the day when we are cutting back and rationing care and cranking up FICA taxes.

Mr. MICHAUD. Mr. Speaker, I yield 5½ minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, the previous speaker, of course, will have at least 35 to 37 or 39 years to worry about this problem. So for him it is not an immediate problem. For some of us, however, there is a heightened concern. And I will tell my friend from Wisconsin (Mr. RYAN), my young friend from Wisconsin, and the gentlewoman from Connecticut (Mrs. JOHNSON), who protest over and over and over again that we are not privatizing Social Security, of course, their party was led until just last year by a gentleman who said that we ought not to have Medicare in a free society and formerly led by a speaker who said it was going to fade away. And millions, I tell my gentlewoman friend and my young friend, million of seniors, forget about what we here in the House say, millions of seniors and their experts who have studied your program very carefully believe it is going to privatize Medicare, notwithstanding your legerdemain about our definition of it currently being privatized.

□ 2200

Nobody believes that. The fact of the matter is millions of seniors have reported back to my colleagues, hey, this program is not good for us.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, the only point I was making was I was not saying the current Medicare program is privatized. Under my colleague's logic, under my colleague's definition of privatization, Medicare is certainly privatized, which is not the case. That is why we are not privatizing Medicare.

Mr. HOYER. Reclaiming my time, that is the legerdemain I was referring to exactly.

Mr. Speaker, I urge my colleagues to support this motion to instruct. It recognizes what the ideologues on the

other side of the aisle refuse to admit. Turning Medicare into a voucher program will only encourage private insurers to skim the healthiest seniors, leaving Medicare to cover the sickest, most disabled beneficiaries.

Vouchers are nothing more than a thinly veiled attempt to end Medicare, our Nation's bedrock commitment to America's seniors for the last 38 years.

This motion instructs conferees to reject the provision in the House bill that would turn Medicare into a voucher program in 2010. In addition, it instructs conferees to accept the Senate-passed provisions requiring a Federal fallback prescription drug benefit if the private sector in any given area refuses to offer an alternative plan.

I have not heard any protestations that there is such a fallback in the House bill, because there is not. Under the Senate bill, if at least two private plans are not available to seniors, the Federal Government would offer beneficiaries a prescription drug benefit. Let us not turn a blind eye to reality. Insurers are not lining up to provide prescription drug-only policies. In fact, as I think the gentlewoman knows, because the former chairman of the subcommittee, I think he is now the Chair of, Mr. Gradison, had some comments to make when he was president of the Health Industry Association of America, said that private sector would not offer such plans that are contemplated under my colleague's bill.

They are in business to make money, as they ought to be; and they will not hesitate to drop customers who file too many claims or cost them too much. That has been our experience with the Medicare+Choice plan in which more than 2 million seniors have been abandoned by HMOs seeking higher profits, including in my own area. I do not criticize the HMO. They are in business, but this is a service that we want to guarantee to all of our citizens to have available to them at affordable prices; and as any homeowner can tell my colleagues, that is the experience in that line of insurance as well. One might think that they are in good hands, but if they file a claim, they might just find that those hands have said bye, bye. They might think that their private insurer is a good neighbor; but if they file a claim, they might just find that their good neighbor has moved away without leaving a forwarding address.

Finally, Mr. Speaker, let me say, on Saturday, July 19, more than 70 of my colleagues, my Democratic colleagues in this House, held town hall meetings in their districts on the issue of prescription drugs. The turnout at those meetings was terrific, and virtually every Member that I have talked to said that their constituents want a guaranteed, affordable, universal prescription drug benefit under Medicare now. That is not included, and their experts and the seniors who sat around their table with their pencils and papers said your bill does not give them

what they need, not necessarily what they want, but what they need.

They were deeply disappointed when they learned the details of the House GOP bill; and I might say to my friends, so that I do not just viciously attack my House friends, they are not too hot about the Senate bill either.

This motion does not address all the deficiencies of the GOP bill, but it does focus on two of the most important ones. I urge my colleagues to support this motion to instruct.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

With all due respect to my friend from Maryland, for whom I have a lot of respect and have worked on many issues, his quote from Mr. Gradison is in regard to last Congress' bill, which was written entirely different. We do not hear anyone making that claim in regard to this bill. So to say that no one would offer this benefit about a bill that is not this bill is really misleading.

Secondly, my colleague's motion to move to strike the very section that guarantees Medicare's defined benefit package is duplicitous. I mean, why would they move to strike the section that guarantees, and here is the title, page 260, no change in Medicare's defined benefit package, no change. This is voluntary, this bill, and any senior who wants to continue to choose the Medicare defined benefit package and couple it with a prescription drug program is free to do so, and that defined benefit package is going to offer seniors a far more modern benefit than current Medicare because it is going to help them deal with chronic diseases which current Medicare does not help them deal with.

Thirdly, I am appalled that my Democrat colleagues want to provide this giveaway to the drug companies. CBO and CMS actuaries agree that the plans will be available to 95 percent of the beneficiaries, but CBS has said that if we choose the fallback provision in the Senate bill, it will cost 8 to \$12 billion. My colleagues know who gets the 8 to \$12 billion, the drug companies. They know what our bill does. It pierces the best price process in the States and goes below that and saves \$18 billion for seniors; and if they are serious about doing something about drug prices, they will not put in law the fallback provision in the Senate bill because it will cost 8 to \$12 billion and give it all directly to the drug companies.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, is the gentlewoman saying that the fallback plan according to the Congressional Budget Office will lead to higher drug prices for seniors to the tune of 8 to \$12 billion?

Mrs. JOHNSON of Connecticut. Absolutely. That is exactly what I am saying. The fallback provision in the Senate bill will lead to drug prices that will cost our bill 8 to \$12 billion more.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentlewoman will continue to yield, so this motion to recommit raises prices for seniors 8 to \$12 billion?

Mrs. JOHNSON of Connecticut. You bet it does. It gives every one of those pennies to the drug manufacturers.

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

Mr. MICHAUD. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me just try to correct the record here.

First, the gentlewoman says this program's voluntary. It is not. It affects all of our seniors because my colleagues are affecting their basic program under Medicare fee-for-service which they are changing into a voucher program.

Secondly, GAO indicates one-third of our seniors who currently have prescription drug coverage will lose their coverage as a result of the passage of this bill.

My colleague mentioned the fact of cost. Yet they should mention the actuaries say we do not save one dime as a result of the passage of this bill; and quoting Mr. Scully, who is the administrator of the program, you know, the bankruptcy problem is a label, largely a cash flow problem, but is the Republican Medicare bill going to save money versus the original program? The answer is no.

Let us be frank about it and then we look at the Medicare trustees report which shows we have the healthiest trust fund we have had in recent histories. Let us be straight and honest with the facts. The fact of the matter is that if my colleagues would have adopted our amendment to the bill on setting price, we would have adopted the Canadian system and brought the prices down to what we are paying in Canada, but they rejected that approach.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Maine (Mr. MICHAUD) for his leadership on this very important prescription drug and Medicare issue.

I stand in support of the motion which instructs conferees to abandon the privatization provisions in the House prescription drug bill.

Under H.R. 1, Medicare would end as we know it. Medicare would end in 7 years. In 7 years Medicare would be replaced by a voucher to cover part of the premium for health insurance and costs would be shifted from the government to seniors. That is privatization pure and simple.

Mr. Speaker, we should not be surprised that Republicans want to privatize Medicare. Look at the history. In 1965 when Medicare came to a vote on the House floor, on the key vote on the key part of the bill, only 11 Republicans, 11 Republicans supported the creation of Medicare. Bob Dole, future Presidential candidate, voted "no." Gerald Ford, future President, voted "no." Strom Thurmond, long-time U.S. Senator, voted "no." In the Senate, Donald Rumsfeld, later Secretary of Defense, voted "no."

Republicans could not stop Medicare in 1965, its creation, as hard as they tried; but once Republicans got a majority in this House of Representatives, the first time they had a majority after Medicare was created, a full 30 years later, one of the first things that Newt Gingrich and my friends on the other side of the aisle did was cut Medicare \$250 billion to, guess what, pay for tax cuts for the highest-income, most privileged people in our country.

Now it is not just Newt Gingrich. It is the entire Republican leadership. Dick Armey, the majority leader until 9 months ago, as my friend, the gentleman from Maryland (Mr. HOYER), pointed out, said we would not have Medicare in a free society.

It is clear, Mr. Speaker, that the folks on that side of the aisle simply do not much like Medicare. Of course they want to privatize it. They did not support it when it was created. They have tried to cut it every time they have got a chance. They tried to end it as we know it. Now they have tried to privatize it. President Bush, Republican President, once he got a Republican Senate and Republican House, President Bush said, yeah, you can have a Medicare prescription drug benefit, but you have got to get out of Medicare to get it; you cannot have it in traditional Medicare the way the Democrats want to do it, provide the benefit the way that we know it works in traditional Medicare because seniors in this country love traditional Medicare, if they could have a drug benefit and a few other benefits that this Congress has denied them.

Instead, George Bush and the Republican leadership said, yeah, you can have a prescription drug benefit, but you have got to go into a private plan and have the insurance companies deliver it. That is what Republicans think about Medicare. So of course they are going to privatize it; and of course this motion to instruct says we are not going to let you privatize.

H.R. 1, the Republican bill, is a cop-out. The American public never, never in the election, never gave Republicans license to dissolve Medicare. The retirement safety net was not put in place for Republicans simply because they do not want Big Government to eliminate it.

Mr. Speaker, I stand in support of this motion, which instructs conferees to abandon the "privatization" provisions in the House prescription drug bill.

Under H.R. 1, Medicare would end in 7 years. In 7 years, Medicare would be replaced by a voucher to cover part of the premium for health insurance.

Medicare would no longer guarantee access to medically necessary care. Instead, the Government would contribute a capped amount to an HMO or some other health insurance.

So much for the Medicare entitlement. So much for guaranteed benefits. So much for the choices that matter: choice of hospital, choice of doctor. This voucher scheme would give seniors the "choice" to enroll in an HMO, and when that one abandons them, to enroll in another one, and when that one abandons them, to enroll in another one.

In his State of the Union address, the President called Medicare the "binding commitment of a caring community." H.R. 1 rips that commitment to shreds. It chokes off funding for the core Medicare program and sends seniors into the private market to try their luck.

The President and the authors of H.R. 1 say that seniors deserve more insurance options, and that more insurance options will somehow save the Federal Government money.

Fourteen years ago, the Medicare supplemental insurance market offered so many spurious, confusing "insurance options" that seniors were being conned into purchasing multiple plans covering the same benefits. To protect seniors, the Government had to crack down and dramatically curtail the number of "insurance options" that could be marketed.

Over the last six years, Medicare HMOs have abandoned millions of seniors. Insurers haven't abandoned their shareholders—the industry is doing quite well—but insurers have promised seniors reliable health insurance one year and dropped those seniors like a stone the next.

H.R. 1 stacks the deck against the only coverage options under Medicare seniors can truly rely on—the core fee-for-service program—and gambles seniors' health care on private insurance plans that by their very nature come and go. Insurance is supposed to alleviate uncertainty, not breed it.

Private plans are not and have never been a cost-effective alternative to Medicare. Medicare is a cost-effective alternative to private health plans.

Medicare costs have been growing at a slower rate than private insurance for 30 years now. 30 years.

H.R. 1 is a shell game. It doesn't confront drug costs or any other health care cost. It saves the Federal Government money by shifting the financial burden onto Medicare beneficiaries and their families.

It's a cop-out. The American public did not give us license to dissolve Medicare. The retirement safety net was not put in place because liberals wanted to make the Federal Government bigger, and it should not be dismantled because conservatives want to make the Federal Government smaller.

The retirement safety net was put in place because the private sector couldn't make a profit offering health insurance to seniors, so they stopped doing it. And it was put in place because the Nation believes Americans who helped build this Nation's unrivaled prosperity throughout their working years should not face financial uncertainty and hardship when they retire.

And now, the future of Medicare is on the line. My Republican colleagues say that seniors deserve "better options." What seniors deserve is the truth.

If my Republican friends want to abandon the key principles defining Medicare—Guaranteed coverage, equal treatment of seniors regardless of income, consistent benefits, reliable benefits—if my Republic colleagues want to abdicate their responsibility for Medicare—they shouldn't hide behind a prescription drug bill to do it.

Instead of abandoning Medicare, I urge my Republican colleagues to reverse course and pledge to protect it.

Support this motion.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

It is too bad that in these debates we stray so far from the facts of the matter. The 1997 bill was passed unanimously by the Subcommittee on Health of the Committee on Ways and Means, almost unanimously by the full committee. I am proud to say that under Republican leadership we added coverage for the first preventive benefits under Medicare, mammograms and, since then, pap smears and also prostate cancer testing and a variety of other preventive benefits for diabetics and for other critical tests.

As Republicans led the effort to add preventive benefits to Medicare and President Clinton supported them, those bills had a lot of bipartisan support; and to say now that this bill privatizes Medicare when all it does is to strengthen both fee-for-service Medicare and the choice plans that can offer seniors some things that Medicare cannot offer them is simply a disservice to the seniors of America.

Just like Republicans led the effort to modernize Medicare by covering prescription drugs which had never been done before, so in this bill we are leading the effort to provide disease management and other tools to help seniors with chronic illnesses, never proposed by my Democrat colleagues. It pains me to have my Democrat colleagues just focus on the word "privatization," which actually ignores the modernization of this plan and has no place in this debate because in every year from now to 2010, 2020, all seniors will have the choice of fee-for-service Medicare or these plans, and the government will pay for coverage under both of those options and will control both of those options.

□ 2215

So they are government-controlled, government paid-for options, all part of Medicare, with a voluntary choice by seniors, an entitlement under the law.

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

Mr. GREENWOOD. Mr. Speaker, I thank the gentlewoman for yielding me this time. I had not come to the floor expecting to speak; but when I heard the gentleman from Ohio speak, I really felt compelled to.

I think it is sad and it is distasteful when we hear this kind of rhetoric that questions the motives of Members of the House, that makes such ridiculous

statements as Republicans want to end Medicare. What a stupid thing to say. Republicans on this side of the aisle have worked so hard for so many years to improve Medicare; and the record is replete with the work that the gentlewoman from Connecticut (Mrs. JOHNSON) has done, that I have done, that many Members on this side of the aisle have done with Members on the other side of the aisle.

It is an insult to the intelligence of this body and it is an insult to the intelligence of the senior citizens of this country for any Member of Congress to stand before this body and make a statement that would suggest that any one of us, who work so hard on these issues, would want to do anything except make the program as good as possible for our parents and for our constituents. It is just absurd.

Now, the fact of the matter is that we do have political and philosophical differences about whether or not what we think the role of the private sector should be in the delivery of the Medicare system. Seniors got choice, the opportunity to have prescription drugs under Medicare for the first time when we had Medicare+Choice, and it was allowing the private sector to go in and offer plans that were more efficient than the Medicare fee-for-service program. And with that efficiency, they provided the prescription drug benefit for the first time. Now, this Congress failed to fund those plans, and so they went away.

Now, nearly everyone in this country who has a prescription drug benefit receives that benefit from some kind of private sector pharmaceutical benefit manager. That is the way we all get our drugs. And that is the reason that the newest drugs get quickly available to us because the private sector can compete against itself, negotiate price, and get the best newest medicines available to all Americans. And all we are suggesting is that that is the most efficient, the most cost-efficient and the most compassionate way to bring prescription drugs to the seniors.

Now, if the other side of the aisle disagrees with that, fine, it is a good argument to have. But it really is stupid to stand here and pretend that there are some people in this House who actually care about the program and there are others who do not. We need to elevate this argument way above that.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Speaker, I want to first of all congratulate the gentleman from Maine for making this motion to instruct conferees. I want to address just briefly the comments that were made by the gentleman from Pennsylvania.

My colleague will have to realize that many people on this side of the aisle, when we hear comments from some Members on that side of the aisle that they would like to see Medicare

wither on the vine, that we hold suspect whether or not Republicans really believe in this program or not.

When I came to Congress in 1999, the Federal Government was projected to run a surplus of nearly \$5 trillion over the next decade. As a result, I advocated budgeting a portion of that money to provide a voluntary and comprehensive prescription drug benefit for all seniors under Medicare. While our fiscal situation has changed dramatically, the needs of our seniors have not changed. Like many areas across the country, southern Indiana is home to thousands of seniors who struggle every day to find room in their budgets for the mounting costs of prescription drugs.

My father died 2 years ago. He was 93 years old when he died. Much of his medical expenses when he died were paid for by Medicare. If he had to make the decision whether or not to go into a private plan or a plan under Medicare, it would have confused him. He would not have been able to make that kind of a choice. And that is the reason why Medicare is such an important program for Americans. It has been proven successful for almost 40 years now, a program that helps senior citizens, that helped my father pay his medical expenses. If it is not broken, do not fix it. It is not broken.

Medicare is not broken. If you ask every senior citizen in this country, well, maybe not every senior citizen, but most senior citizens whether or not they want to change Medicare as we know it today, they would say no, we like Medicare; it is one of our government's most successful programs. Millions of Americans are counting on us to make certain that this program is there when they retire.

I urge the conferees to do what is best for America, assure each and every American that Medicare and its program will be there, available to them when they need it. Medicare is not broken; we should not be trying to fix it by trying to privatize it in 7 more years. It will confuse our senior citizens, it will scare our senior citizens, and it is wrong the proposal that is being made. Medicare is a good program. We need to keep it as it is.

When I came to Congress in 1999, the Federal government was projected to run a surplus of nearly \$5 trillion over the next decade. As a result, I advocated budgeting a portion of that money to provide a voluntary and comprehensive prescription drug benefit for all seniors under Medicare.

While our fiscal situation has changed dramatically—the needs of our seniors have not. Like many areas across the country, southern Indiana is home to thousands of seniors who still struggle every day to find room in their budgets for the mounting costs of prescription drugs.

These seniors are depending on Congress to uphold its promise to provide some relief from their drug bills—and to make Medicare a stronger program for future generations.

I did not support H.R. 1. I am concerned that, instead of providing Medicare beneficiaries with greater security, this bill would

dismantle the traditional Medicare program—leaving seniors vulnerable to unstable and unpredictable health care coverage.

Medicare is one of our government's most successful programs. Millions of Americans are counting on this program to be there when they retire. I urge the conferees to do what is best for America—assure each and every American that the Medicare program will be available to them when they need it.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I think it is appropriate that we be honest here just a little bit. Medicare is a program that needs reform. That does not mean it needs to go away. Now, if my colleagues think everything is perfectly okay with Medicare, go for it. But Medicare can be better, and those on the other side of the aisle have to work with folks to get it better.

Secondly, I know none of my Democrat colleagues would want to continue to promote the lie about the "wither on the vine" phrase. Let us get that straight once and for all. Nobody over here ever said that. Mr. Newt Gingrich never said that. I was in the room when he gave the speech to the American Medical Association. He said HCFA should wither on the vine because it is one of the worst agencies in this town. He wanted HCFA to wither on the vine to make Medicare better. Now stop promoting that untruth.

Mr. MICHAUD. Mr. Speaker, how much time does each side have remaining?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Maine (Mr. MICHAUD) has 8 minutes remaining, and the gentlewoman from Connecticut (Mrs. JOHNSON) has 11½ minutes remaining.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes and 10 seconds to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise in support of the Michaud motion to instruct conferees on H.R. 1 to reject the House-passed provision that would turn Medicare into a voucher program and to accept the Senate-passed provision requiring a government-sponsored fallback prescription drug benefit.

Like many of my colleagues, it has long been my top priority to be able to go back to my district and report to my senior citizens who rely on Medicare that Congress has provided a prescription drug benefit for them. Well, time and time again Congress has failed to pass meaningful legislation on this topic, placing the profit margins of drug manufacturers and insurance companies over the health and the lives of America's senior citizens.

Twice now I have voted against the Republicans' prescription drug legislation, not because I am unwilling to work within the framework of the budget situation and accept a drug ben-

efit that is less than the dream package we could offer our seniors in a world without budget limitations. Rather, I voted against Medicare reform legislation that purports to help the elderly, but in reality it leaves the prescription drug plan in the hands of private insurers and undermines the entire health care system that 40 million American seniors rely on.

The House-passed legislation would force traditional Medicare to bid against private insurance plans beginning in 2010. Well, Mr. Speaker, my constituents in Rhode Island can tell you how dangerous this is. In 1999, the instability of the private market resulted in an HMO that insured 127,000 people in the State, Harvard Pilgrim, pulling out without any warning. The House-passed provision designed to induce seniors and people with disabilities to leave the traditional Medicare program and to enroll in private managed care plans will result in seniors having to find new plans to meet their needs, facing the possibility of higher premiums, new doctors, and a new set of co-pays and regulations every single year.

The House-passed privatization plan is the beginning of a spiral that will ultimately destroy the traditional Medicare fee-for-service program. Older, chronically-ill people who need the types of services offered by traditional Medicare will face escalating costs. As the premiums for traditional Medicare rise, the price tag will drive them into private plans, even though the data show that private plans are not good for the very old and chronically ill.

Mr. Speaker, both the House and the Senate plans have flaws. Most notably, neither plan takes the appropriate steps to lowering the prescription drug costs for Americans who pay up to 300 percent more for their medications than citizens in other industrialized nations. The reason for this price disparity is glaringly obvious, given that every other industrialized nation takes advantage of bulk purchasing power and negotiates lower prices on behalf of its citizens.

Mr. Speaker, I urge my colleagues to do the right thing and support the Michaud motion to instruct our conferees to work against the House-passed Medicare privatization provision and in favor of a government fallback plan for the prescription drug benefit. It is the right thing to do.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I think first it is important to put into context the motion to instruct. The motion is an attempt to try to remove the voucher provision which many of us believe is an obstacle to finding a middle ground to developing a Medicare prescription drug benefit. And the second part of the motion inserts the fallback provision that has been developed by both Democrats and

Republicans in the Senate that many of us think is critical to having a middle ground.

I want to go back to the voucher debate and again try to be as factual as possible as to why that is so highly objectionable to Democrats in the House, and I believe to many Republicans in the Senate. Under the House bill that is being defended tonight, in 2010 seniors are forced to choose between private plans and a voucher. Private plans have made it perfectly clear that they do not want to insure people that are not an attractive risk, people that tend to have health problems after they are 65. So, instead, what those people are left with is a voucher whose value is equal to the average cost of beneficiaries in private plans. Those would be healthy people.

The chief actuarial for Medicare at HCFA has said that people who are over 65 that are not accepted by private plans could experience as much as a 25 percent increase in the cost of Medicare. Nobody yet has tried to defend or answer the question as to what happens to that Medicare beneficiary who has health problems who is not accepted by the private plan and who cannot afford to make up that huge difference in cost. And the reason nobody wants to answer that is because there is no answer. That person is left on their own. They are cut loose from Medicare.

Now, the second point about the fallback is this: it continues to be the case that private insurance companies in Washington say to Congress, we do not want your money. We do not want to get in the business of writing policies for drug coverage. And so unless we put the fallback provision the Senate is providing in this bill, we are relegating seniors to a false promise, and that is giving money to private plans to offer insurance they say they do not want to provide for seniors.

Mr. Speaker, I urge support of the motion to instruct.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I have not been on the floor that long tonight, but I have sat and listened to a lot of nasty things. And according to my colleagues, all Republicans want to throw out senior citizens; we do not care about our grandmas, our grandpas, our wives, our children. But that is not true. I have a mom. I lost my dad. But I want to take care of them with Medicare, and I want to take care and make sure their health care needs are filled.

□ 2230

I believe in a private-public partnership. Let me give a good example. A couple years ago I had pneumonia. I went to the doctor, and then I went to get my antibiotic. It was called Augmentin. I looked at the prescription, and it was \$120. I remember

thinking how is someone with a low income with children going to afford \$120, especially if a couple of their children had pneumonia.

The total cost of that Augmentin was \$17 because my wife, being a school-teacher, had insurance. The more we drive up the cost of insurance, and I know it is the latest thing to demonize insurance companies, but if we have a private partnership with insurance companies and the public, they lower the cost of those prescription drugs so people can afford them. So instead of \$120, it was \$17. That is the goal, to make sure that people are taken care of.

Mr. Speaker, I am disappointed in the debate tonight. The wither-on-the-vine gentleman must not have been here because they know that is not true. But there are things that we can do. I understand the concerns about some of the arguments being made about privatizing some of the issues. I, on the other hand, think government control of health care is wrong, but somewhere in the middle we ought to be able to come together and not have the type of debate that was on the floor tonight.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman from Maine for leading the motion to instruct on this very important issue this evening.

As the owner of a small town family pharmacy back home in Prescott, Arkansas, my wife and I got tired of seeing seniors walk through the doors of our pharmacy who could not afford their medicine or could not afford to take it properly. That was a big reason why I decided to run for the United States Congress in 2000.

The reason I am speaking to Members tonight from the Republican side of the aisle is this: I thought if there was ever an issue that would not be a Democratic issue or a Republican issue but rather a senior issue, this would be it. But instead, the Republican leadership has offered us nothing more than a false hope and a false promise for our seniors.

There are three problems with the bill. Number one, the drug manufacturers wrote the bill, and if Members do not believe that, read the bill. The Republican leadership had the nerve to put language in the bill that says the Federal Government shall be prohibited from negotiating with the drug manufacturers to bring down the high cost of medicine, and we call this a senior's plan.

Problem number two, we hear how prescription drugs are cheaper in other countries, they are. They are because the other countries tell the drug manufacturers if you want your drug in our country, you will give us a discount, and they do. The drug manufacturers know if we have 41 million seniors under one plan in America, we too will demand those kinds of discounts to

help offset the cost of the program for our seniors.

Problem number three, all of the talk for months about a prescription drug benefit for our seniors on the floor of this House boils down to this. When you do the math, on the first \$3,500 worth of medicine that a senior needs every year, Medicare is going to pay for \$900, leaving the senior to pay \$2,600 of the first \$3,500. Tell me if that is going to help seniors choose between buying their medicine, buying their food, paying their utility bill, and paying the rent bill. Of course it will not.

This is Medicare fraud at its worse. I will not rest until seniors can walk into the pharmacy of their choice and pull out their Medicare card and be treated.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I imagine some people watching this debate are a bit confused about what is going on. You need to understand the underlying concern of our friends on the other side of the aisle. That is why they take the well and say someone who is no longer with us, he is passed, voted no in 1965. Or other people 30 years ago took a position. What about the people today?

The Democrats really believe this is their issue and, if they do not demonize the fact that Republicans are out to destroy Medicare, they do not have a bumper sticker they have used for years. Let us not talk about the noes that occurred in 1965, let us talk about the noes that occurred in 1995. Let us talk about the noes that occurred in 1997, or the noes that occurred this year.

The Democrats had 30 years to put prescription drugs in Medicare. Did they, no. Republicans are trying to put prescription drugs in Medicare. They will say anything to not let that happen because then, of course, Republicans are not trying to destroy Medicare. Their arguments are gone.

This year in the bill that passed this House, we voted to give every senior who becomes Medicare eligible a physical. They voted no. We voted to provide screening and education and early treatment for diabetes so we do not have an increase in end-stage renal disease. They voted no. We voted to have osteoporosis screening. They voted no. We voted for more digital mammography. They voted no.

Every time they voted no on a Medicare bill that we have passed, it is stopping new, progressive preventive measures that Republicans are adding to Medicare. How is that killing Medicare?

The fact of the matter is we have to go back to 1965 for your arguments about Medicare. We want to talk about today and tomorrow. One of the reasons Medicare is better off in the Part A trust fund is because a recent Democratic President transferred the fastest

growing portion of Medicare, home health care, from A, a defined payroll trust fund to the general fund that can suck up every penny in the general fund the way it is structured, every penny. That is why it is more solvent than it has been in a long time.

If the other side of the aisle wants to solve the problems of Medicare, get off their demagoguery hobbyhorse, get serious about trying to make Medicare workable, more progressive, better preventive care, quit voting no and quit playing games. These kinds of motions to instruct are destructive, not positive.

Let us work together. We are going to make a better Medicare. We are going to bring a conference report back and we are going to have every senior get a physical. Will the other side of the aisle vote no on that? We have better digital mammography. Will the other side of the aisle vote no on that? And we, Republicans, are going to put prescription drugs in Medicare. That is what this is all about. They cannot stand it.

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

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

Mr. Speaker, when we get through the smoke and mirrors of this bill passed by this House, it comes down that H.R. 1 aims to privatize Medicare in 2010. It does nothing to guarantee prescription drug benefits for Medicare beneficiaries in rural areas like the State of Maine. And actually, language in the bill prohibits the Secretary of Health and Human Services from negotiating for lower-cost prescriptions. That is wrong. The current bill is a disservice to all seniors, and I urge Members to adopt changes made in this motion to give Medicare recipients present and future the benefit that they deserve.

Mr. Speaker, I would say to the gentleman from California (Mr. THOMAS), we do not have to go back to 1965. I will quote the gentleman's words in 2003, "To those who say that the bill would end Medicare as we know it, the answer is, we certainly hope so." That is a quote in 2003 from the gentleman from California (Mr. THOMAS). I urge Members to adopt this motion.

Mr. GREEN of Texas. Mr. Speaker, I rise today in strong support of the Michaud motion to instruct conferees on the Medicare prescription drug bill.

This motion remedies two of the most controversial provisions of the House bill by striking provisions of the bill which would require privatization of the Medicare program by 2010, and ensuring that there is a government fallback plan for beneficiaries who do not have access to a private plan.

Over the August recess, my seniors made it clear that they do not want the Medicare program privatized. They like Medicare, they trust it, and they know that it will take care of them when they need it.

On the flip side, they know that private insurance companies have abandoned them

year after year, have raised their premiums, raised their copays, and raised their deductibles, all while slashing their benefits.

They don't trust Medicare HMOs any farther than they can throw them. Our seniors don't want HMOs, and this Congress shouldn't force them on them.

Now on the government fallback provision, you don't need to be an insurance expert to know that insurers aren't going to sell a policy that everyone is going to make claims against.

And we know that 86 percent of seniors have prescription drug costs. So we know that individuals buying these policies are going to use them.

The risks of individual claims far outweigh any potential profits from these policies. Insurers know that, seniors know that and I think even my colleagues on the other side of the aisle know that.

But if they admit that, than I guess they'd have to admit that the private market just does not work for Medicare beneficiaries.

So they've refused to allow for even the possibility that private insurers won't participate in this plan.

But I would argue that, if the private market really works for this population, than they shouldn't have any objection to a government fall-back, because—if they're right—they're never going to need it.

Mr. Speaker, when it comes down to it, fixing these two provisions would clear the way for passage of this legislation. I think anyone who has campaigned that they would be the ones to fight for a prescription drug benefit should vote for this motion to instruct conferees so that we can move this process forward, get a prescription drug benefit enacted and actually start providing some help to our seniors.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

Motion to instruct on H.R. 1588, by the yeas and nays;

Motion to instruct on H.R. 1308, by the yeas and nays;

Motion to instruct on H.R. 1, by the yeas and nays.

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

electronic votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. EDWARDS ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on the bill, H.R. 1588.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. EDWARDS) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 28, as follows:

[Roll No. 500]
YEAS—406

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

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

NOT VOTING—28

- Ackerman
- Clay
- Cummings
- Davis (IL)
- Dooley (CA)
- Emerson
- Farr
- Frank (MA)
- Gallegly
- Gephardt
- Hoekstra
- Hookey (OR)
- Janklow
- Klecza
- Lipinski
- Markey
- Matsui
- Murtha
- Nadler
- Pence
- Pickering
- Rangel
- Stark
- Sweeney
- Udall (CO)
- Waters
- Woolsey
- Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 2300

Messrs. SIMMONS, BONILLA, LINDER, SAM JOHNSON OF TEXAS, KING OF IOWA, ROHRBACHER, GINGREY, SMITH of Michigan, HUNTER and Mrs. BLACKBURN

changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

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 Chair will reduce to 5 minutes the minimum time for electronic voting on each question on which the Chair has postponed further proceedings.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion. The Clerk designated the motion.

Mr. SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Tennessee (Mr. DAVIS) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 195, nays 214, not voting 25, as follows:

[Roll No. 501]
YEAS—195

Abercrombie	Deutsch	Kanjorski
Alexander	Dicks	Kaptur
Allen	Dingell	Kennedy (RI)
Andrews	Doggett	Kildee
Baca	Doyle	Kilpatrick
Baird	Edwards	Kind
Baldwin	Ehlers	Kucinich
Ballance	Emanuel	Lampson
Becerra	Engel	Langevin
Bell	Eshoo	Lantos
Bereuter	Etheridge	Larsen (WA)
Berkley	Evans	Larson (CT)
Berry	Farr	Leach
Bishop (GA)	Fattah	Lee
Bishop (NY)	Filner	Levin
Blumenauer	Ford	Lewis (GA)
Boswell	Frank (MA)	Lofgren
Boucher	Frost	Lowey
Boyd	Gonzalez	Lucas (KY)
Brady (PA)	Gordon	Lynch
Brown (OH)	Green (TX)	Majette
Brown, Corrine	Grijalva	Maloney
Capps	Gutierrez	Marshall
Capuano	Hall	Matheson
Cardin	Harman	McCarthy (MO)
Cardoza	Hastings (FL)	McCarthy (NY)
Carson (IN)	Hill	McCollum
Carson (OK)	Hinchev	McDermott
Case	Hinojosa	McGovern
Castle	Hoefel	McIntyre
Clyburn	Holden	McNulty
Conyers	Holt	Meehan
Cooper	Honda	Meek (FL)
Costello	Hoolley (OR)	Meeks (NY)
Cramer	Hoyer	Menendez
Crowley	Inslee	Michaud
Cummings	Israel	Millender-
Davis (AL)	Jackson (IL)	McDonald
Davis (CA)	Jackson-Lee	Miller (NC)
Davis (FL)	(TX)	Miller, George
Davis (TN)	Jefferson	Mollohan
DeFazio	John	Moore
DeGette	Johnson, E. B.	Moran (VA)
Delahunt	Jones (NC)	Napolitano
DeLauro	Jones (OH)	Neal (MA)

Oberstar	Ryan (OH)	Stupak
Obey	Sabo	Tanner
Olver	Sanchez, Linda	Tauscher
Ortiz	T.	Taylor (MS)
Owens	Sanchez, Loretta	Thompson (CA)
Pallone	Sanders	Thompson (MS)
Pascarell	Sandlin	Tierney
Pastor	Schakowsky	Towns
Payne	Schiff	Turner (TX)
Pelosi	Scott (GA)	Udall (NM)
Peterson (MN)	Scott (VA)	Upton
Pomeroy	Serrano	Van Hollen
Price (NC)	Sherman	Velazquez
Rahall	Skelton	Visclosky
Reyes	Slaughter	Watson
Rodriguez	Smith (WA)	Watt
Ross	Snyder	Waxman
Rothman	Solis	Weiner
Roybal-Allard	Spratt	Wexler
Ruppersberger	Stenholm	Wu
Rush	Strickland	Wynn

NAYS—214

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

NOT VOTING—25

Ackerman	Clay	Dooley (CA)
Berman	Davis (IL)	Emerson

Gallegly	Matsui	Sweeney
Gephardt	Murtha	Udall (CO)
Hoekstra	Nadler	Waters
Janklow	Pence	Woolsey
Klecza	Pickering	Young (AK)
Lipinski	Rangel	
Markey	Stark	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2308

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct conferees on the bill, H.R. 1.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maine (Mr. MICHAUD) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 189, nays 220, not voting 25, as follows:

[Roll No. 502]
YEAS—189

Abercrombie	Dingell	Kind
Alexander	Doggett	Kucinich
Allen	Doyle	Lampson
Andrews	Edwards	Langevin
Baca	Emanuel	Lantos
Baird	Engel	Larsen (WA)
Baldwin	Eshoo	Larson (CT)
Ballance	Etheridge	Lee
Becerra	Evans	Levin
Bell	Farr	Lewis (GA)
Berkley	Fattah	Lofgren
Berman	Filner	Lowey
Berry	Ford	Lucas (KY)
Bishop (GA)	Frank (MA)	Lynch
Bishop (NY)	Frank (NY)	Majette
Blumenauer	Gonzalez	Maloney
Boswell	Gordon	Marshall
Boucher	Green (TX)	Matheson
Boyd	Grijalva	McCarthy (MO)
Brady (PA)	Gutierrez	McCarthy (NY)
Brown (OH)	Hall	McCollum
Brown, Corrine	Harman	McDermott
Capps	Hastings (FL)	McGovern
Capuano	Hill	McIntyre
Cardin	Hinchev	McNulty
Cardoza	Hinojosa	Meehan
Carson (IN)	Hoefel	Meek (FL)
Carson (OK)	Holden	Meeks (NY)
Case	Holt	Menendez
Clyburn	Honda	Michaud
Conyers	Hoolley (OR)	Millender-
Cooper	Hoyer	McDonald
Costello	Inslee	Miller (NC)
Cramer	Israel	Miller, George
Crowley	Jackson (IL)	Mollohan
Cummings	Jackson-Lee	Moore
Davis (AL)	(TX)	Moran (VA)
Davis (CA)	Jefferson	Napolitano
Davis (FL)	John	Neal (MA)
Davis (TN)	Johnson, E. B.	Oberstar
DeFazio	Jones (OH)	Obey
DeGette	Kanjorski	Olver
Delahunt	Kaptur	Ortiz
DeLauro	Kennedy (RI)	Owens
Deutsch	Kildee	Pallone
Dicks	Kilpatrick	Pascarell

Pastor	Sanders	Tauscher
Payne	Sandlin	Taylor (MS)
Pelosi	Schakowsky	Thompson (CA)
Pomeroy	Schiff	Thompson (MS)
Price (NC)	Scott (GA)	Tierney
Rahall	Scott (VA)	Towns
Reyes	Serrano	Turner (TX)
Rodriguez	Sherman	Udall (NM)
Ross	Skelton	Van Hollen
Rothman	Slaughter	Velazquez
Royalb-Allard	Smith (WA)	Visclosky
Ruppersberger	Snyder	Waters
Rush	Solis	Watt
Ryan (OH)	Spratt	Waxman
Sabo	Stenholm	Weiner
Sanchez, Linda	Strickland	Wexler
T.	Stupak	Wu
Sanchez, Loretta	Tanner	Wynn

NAYS—220

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

NOT VOTING—25

Ackerman	Dooley (CA)	Gephardt
Clay	Emerson	Hoekstra
Davis (IL)	Gallegly	Janklow

Klecza	Nussle	Udall (CO)
Lipinski	Pence	Watson
Markey	Pickering	Woolsey
Matsui	Rangel	Young (AK)
Murtha	Stark	
Nadler	Sweeney	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 2314

So the motion was rejected.
The result of the vote was announced as above recorded.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 911, AUTHORIZING ESTABLISHMENT OF MEMORIAL TO VICTIMS WHO DIED AS A RESULT OF TERRORIST ACTS AGAINST THE UNITED STATES

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 911; that the bill be considered as read for amendment; that the amendment that I have placed at the desk be considered as read and adopted; and that the previous question be considered as ordered on the bill to final passage without intervening motion: except (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

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

There was no objection.
The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZATION OF MEMORIAL.

(a) IN GENERAL.—The Advisory Board established in section 2(a) is authorized to establish a memorial (referred to hereafter in this Act as the “Memorial”) in accordance with this Act on Federal lands administered by the National Park Service in the District of Columbia and its environs (as defined in section 8902(a)(3) of title 40, United States Code) to victims who died as a result of terrorist acts against the United States or its people, at home or abroad, except those individuals identified by the Attorney General of the United States as participating or conspiring in terrorist-related activities.

(b) DETAIL OF EMPLOYEES.—The Secretary of the Interior shall detail to the Advisory Board such support staff as are necessary to assist the members of the Advisory Board in carrying out its responsibilities.

(c) RELATIONSHIP TO THE COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, shall apply to the Memorial, with the exception of section 8903(c) of that title which shall not apply to the Memorial.

SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established an advisory board to be known as the “Victims of Terrorism Memorial Advisory Board” (referred to hereafter in this Act as the “Advisory Board”).

(b) MEMBERS.—The Advisory Board shall consist of 13 members who shall be appointed

not later than 3 months after the date of the enactment of this Act. Nine members shall be appointed by the President (in consultation with the Secretary of the Interior and the Secretary of Defense), 2 members by the Speaker of the House of Representatives (in consultation with the Minority Leader) and 2 members by the Majority Leader of the Senate (in consultation with the Minority Leader) from interested persons, including representatives of organizations dedicated to assisting victims of terrorism and their families.

(c) CHAIRPERSON.—The Chairperson of the Advisory Board shall be one of its members elected by a majority of the members at the first meeting of the Advisory Board.

(d) TERMS; VACANCIES.—Members of the Advisory Board shall serve for the life of the Advisory Board. The President shall make appointments to fill any vacancies that occur.

(e) DUTIES.—The Advisory Board shall—
(1) raise necessary funds to establish, design, construct, and maintain the Memorial; and

(2) begin consultation under section 8907 of title 40, United States Code, not later than 1 year after the date of the enactment of this Act.

(f) DONATIONS.—The Advisory Board may accept donations on behalf of the United States for the establishment, design, construction, and maintenance of the Memorial.

(g) TERMINATION.—The Advisory Board shall terminate not later than 120 days after completion of the Memorial.

(h) FACAs.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the Memorial (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the 7-year period beginning on the date of the enactment of this Act, there remains a balance in the funds received under section 8903(f) of title 40, United States Code, for maintenance of the Memorial, the Chairperson of the Advisory Board shall transfer the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b) of that title.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 1538, TRUE AMERICAN HEROES ACT OF 2003

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 1538; that the bill be considered as read for amendment; and that the previous question be considered as ordered on the bill to final passage without intervening motion, except: one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and one motion to recommit.

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

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-124)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2003, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, September 10, 2003.

□ 2320

CREATING JOBS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of us will be paying tribute to those who lost their lives on 9-11. But I rise today to speak of the continuing plight of the unemployed in this Nation.

On this past Monday, I held an economic forum on the unemployed in my congressional district. Houston, Texas has an unemployment rate of 7.2 percent. It is in the top 5 States of the Nation. And the striking factor of that particular session was the pain of those chronically unemployed.

The very fact that the large corporations that have received these very enormous tax cuts by this administration has done nothing to retain jobs or to create jobs. It is imperative that we work with the Department of Labor and this Congress to insist upon incentives to be given to large corporations on the basis only of them retaining or creating jobs. We have ceased to become a power in manufacturing and we are not hiring or creating the opportunity for jobs for recent graduates, for working students, and/or for those indi-

viduals trying to support their families. This is intolerable and it is not reflective of the intelligence and opportunity that we represent in this country.

Corporations and this Nation must turn their eyes toward creating jobs.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KING of Iowa). 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.

COLOMBIAN PRESIDENT URIBE ATTACKS HUMAN RIGHTS DEFENDERS

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

Mr. MCGOVERN. Mr. Speaker, over the past 3 years, I have raised many questions regarding U.S. policy in Colombia. In July, working with my good colleague from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Service, I offered an amendment that would have made a modest reduction in U.S. military aid to the Colombian armed forces as a signal of grave concern about the rapidly deteriorating human rights situation in Colombia and the continuing ties between the Colombian military and paramilitary forces.

That measure was defeated, in part, because Members of Congress were reassured by Secretary of State Colin Powell and the Colombian government that President Uribe is a strong supporter of human rights and an ally in the fight against terrorism.

Unfortunately, throughout the month of August and the first 10 days of September, the human rights situation in Colombia has deteriorated even further. Scores of trade union and human rights leaders have been detained by official government forces in Arauca, one of President Uribe's highly militarized showcase provinces and where nearly 300 U.S. military personnel are active in the counter-insurgency war. And what was their crime? Quite simply, they denounced the links between government security forces and the paramilitary groups in the region.

According to Amnesty International, the detentions "appear to be part of an ongoing coordinated campaign to undermine the work of trade unionists and human rights activists and to expose those sectors to increased attack from army-backed paramilitaries."

Also in August, the Commander in Chief of the Colombian Armed Forces, General Jorge Enrique Mora Rangel, held a press conference in which it was alleged that a village of resettled refugees who were trying to protect themselves from the armed actors by putting barbed wire around their village

were somehow instead "a FARC-controlled concentration camp," a remark that puts these refugees and the humanitarian organizations that serve them, including the U.N. High Commission for Refugees, at further risk.

These accusations were made shortly after the Colombian Constitutional Court issued a decision allowing some of these organizations to proceed with a lawsuit against General Rito Alejo del Rio, for human rights abuses carried out when he was the Commander of the 17th Brigade in northwestern Colombia.

Over the past few months, one public attack after another against human rights defenders and organizations has been made by the very highest-ranking members of Colombia's government and military, culminating this week in statement by President Uribe himself.

On Monday, September 8, President Uribe, in a speech to Colombian military personnel, attacked human rights organizations as "politickers at the service of terrorism." President Uribe stated that human rights groups in Colombia are "terrorist agents and cowards who hide their political ideas behind human rights."

These highly inflammatory and dangerous remarks came on the same day as some 80 human rights groups released a report critical of President Uribe's security measures, which, in their view, have increased repression against the civilian population. The report was issued by some of Colombia's most respected human rights groups, including the Colombian Commission of Jurists, the Consultancy for Human Rights, and the Jesuit-affiliated Center for Popular Education and Investigation.

Equally disturbing, in President Uribe's speech to the military, the word "terrorist" is only used in reference to left-wing guerrilla forces; the paramilitary forces are referred to as "private justice groups," even though it is the paramilitary forces that are responsible for 70 percent of the human rights violations committed against the civilian population and nearly all attacks against labor leaders and human rights defenders, and are on the U.S. State department's list of terror organizations.

All of us in Congress have seen this pattern before.

We know that when high government and military officials start labelling leaders and organizations as "terrorists" or "sympathizers," their death soon follow.

When President Uribe made such statements, he knowingly and deliberately placed these democratic actors at great risk. The right to criticize, to disagree with official doctrine is a cornerstone of democracy.

Let me be clear: Colombia is not threatened by national and international human rights organizations, U.N. officials, judges, or Colombian government officials whose responsibility it is to protect and promote human rights.

Indeed, the most important step President Uribe could take to end terrorism within Colombia's borders is to investigate, prosecute, and punish all those responsible for violations of human right and international humanitarian law, including the paramilitaries and their military allies.

It is impunity, not human rights defenders, that is eroding any prospect for peace, democracy and the rule of law in Colombia.

Sadly, U.S. policy is complicit in aiding and abetting this serious state of affairs in Colombia.

SAVE SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, since I came to Congress in 1993, I have been very concerned about the future of Social Security. Because when I was chairman of the Senate Taxation Committee in the State of Michigan, it was brought to my attention that Social Security was running out of money. It seemed like an easy challenge to convince, if you will, America and Congress that something needs to be done if we are to save this important program that has been so helpful to so many senior citizens.

We talk about \$87 billion that the President has now requested for additional help in fighting the war in Afghanistan and Iraq and for homeland security, but retirement security is just as important. And the retirement security in this country is in great risk, and if we keep putting off a solution to the problem of Social Security, then the solutions are going to be more drastic as we wait years and years. And that is what I have found out over the last 9 years as I have introduced additional business.

Let me give some figures, dollar figure, Mr. Speaker, on how short of keeping our promises on Social Security we are. The actuaries estimate that it is going to estimate that it is going to take \$120 trillion, \$120 trillion over and above what we are taking in in the Social Security tax to keep our promises of benefits for Social Security over the next 75 years. And why are we unwilling to deal with this? So discouraged that there has only been on my count, 26 Members of either the House or the Senate that has ever been willing to sign on the bill to keep Social Security solvent.

There are two global forces coming to hit head on, not only in the United States but throughout most of the world. One force is the fact that our seniors are living longer we are having an aging of society. And that does not mean you are growing older. It means the number of old people in relation to young people is growing very rapidly. And the other force is the birth rate is going down.

□ 2330

Most countries in Europe and the United States have a birth rate that does not propagate and replace the mother and father of those children, so fewer children and more people living longer, and since we have a pay-as-you-go program, where current workers take their tax dollars and send it and immediately the next week it goes out to current retirees, the program is unsustainable.

Here is my challenge and my warning. If we do not do something, we can have the same kind of problem that countries like France and Germany and Italy and Spain and Japan are facing now. The payroll withholding tax in France is 51 percent for their senior citizens. Fifty-one percent out of every dollar they make is deducted to pay for their senior citizens in that country, and that is because there are so many senior citizens in relation to the number of people working.

In Germany, it is approaching 42 percent payroll tax deduction. Just think of the pressure on business because the only way they have to make up this money is to charge more for their product or to reduce what they are paying for their employees, and therefore, they are going to be less competitive.

Let us not let that happen in the United States. Let us not allow a program like Social Security that has been so helpful to so many of our seniors, that so many of our seniors in this country depend on.

Right now over 80 percent of our seniors depend on Social Security for over 90 percent of their total retirement income. It is a huge challenge. We need to deal with it. I ask my colleagues to examine this problem.

Mr. Speaker, I would just ask all Americans in the next election to ask the candidates that are running for office what is their solution to save Social Security.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mrs. MALONEY. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from New York (Mr. NADLER).

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

There was no objection.

REMEMBERING SEPTEMBER 11

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, along with many of my colleagues in the New York delegation, tonight we remember September 11. Nearly 2 years after September 11 the shock, pain and trauma on that day lingers with my constituents in New York. While we resiliently cleaned up the site ahead of schedule and have begun to rebuild, no New Yorker can walk past a fire house or police precinct or gaze at downtown New York without an empty feeling in the pit of their stomach.

In my own District, 25 different fire stations lost people in the terror attacks, and more than 500 of my innocent neighbors who did what most Americans do every day, simply woke up and went to work, lost their lives in this terrible attack.

The hijackers chose two of the most prominent symbols of American prosperity, enterprise and strength. By taking down the symbols of America, the World Trade Center, the Pentagon, they hoped to show the weakness of American resolve. Instead, the opposite happened. America showed that in times of adversity ordinary people become heroes.

New York is the most diverse city in the world, but on that day, and I would say every day in our rebuilding effort, we were united as one.

Tomorrow, along with the gentleman from New York (Mr. KING), we will be presenting on this floor and hopefully passing the True American Heroes Act, which will award the Congressional Gold Medal to the brave rescuers who perished helping others after the attack, the police, the firefighters, the emergency medical. Our bill lets us honor the men and women who died so that others could live.

We must also remember that the World Trade Center disaster was one of the greatest rescue efforts of all time. Because of the heroic efforts of the rescue workers, the final death toll was less than 3,000. This is truly remarkable when we consider that more than 20,000 people may have been in the buildings when the planes hit, not to mention the 10s of thousands in adjacent buildings, subways and streets.

9/11 not only united New Yorkers, it united the Nation. Americans recognized that the attack on the World Trade Center was not an isolated event, experienced in Washington or Philadelphia, and Pennsylvania, or in New York. This was an attack on all of America, and Americans were unified in their response.

All over the country people joined together to send food, clothing, blood and prayers. To this day, everywhere one goes in the city of New York, in hospitals, fire stations, police stations, even stores there are messages of support and hope sent from around the country to help New Yorkers through this terrible period.

New Yorkers are standing with me tonight as I thank my colleagues in this Congress on their behalf. Within days of the tragedy, Congress appropriated \$40 billion for disaster relief

and increased security. We truly and deeply appreciate the swift show of support.

It is ironic that an event that generated much love and support was based on an act of unexplainable hatred, expressed in violence. Our country united in spirit to combat terrorism and those who support terrorist activities, but it was New Yorkers who bore the brunt of the attack.

I urge my colleagues to join me tonight in honoring the resourcefulness of the residents of the greatest city in the world. New Yorkers should be proud of the way they handled the most devastating attack on American soil. They showed strength of character and generosity of spirit.

9/11 has left its devastating imprint on my city, and we will always remember the horror of that day, but the recovery process is underway. We will rebuild Manhattan in a way that honors the fallen and celebrates the living and all Americans will celebrate the spirit of renewal that New York embodies.

10TH ANNIVERSARY CELEBRATION OF THE POWER CENTER AND PYRAMID COMMUNITY DEVELOPMENT CORPORATION

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I come today to honor the wonderful work of a premier facility in Houston, Texas. This facility is known as the Power Center. It will be celebrating its 10th Anniversary this week.

Mr. Speaker, the Power Center is a center of commerce and part of a community's revitalization. Through its creation and ongoing success the people of Harris County and Houston are able to not only see but also to be a part of what happens when a community comes together. One of the leaders of this great success that I wish to pay tribute to today is Reverend Kirbyjon Caldwell of the Pyramid Community Development Corporation.

It was the Pyramid Community Development Corporation, under Reverend Caldwell's leadership that gave life to the Power Center. What were once a vacant lot and a decaying former Kmart retail store is now a vital and valuable part of the Harris County-Houston community. The Power Center has led to the conservation and redevelopment in an area of southwest Houston and surrounding neighborhoods by improving housing conditions; assisting minorities, disadvantaged, and low income families to obtain home ownership. The Power Center has also provided other important public services to its neighbors and to the people of Houston.

Mr. Speaker, having hosted a very successful homeownership fair in my district, at which there were thousands of attendees, I am honored to have this opportunity to recognize an organization that understands the importance of that part of the American dream. The homeownership fair that I speak of, held in the 18th Congressional District of Texas, was sponsored in part by the Congressional Black Caucus Foundation and the Houston Real Estate

Association. It was part of an ongoing effort entitled, "With Ownership, comes Wealth" (also known as WOW) of which I am a true proponent. Mr. Speaker, WOW is an important initiative from which I believe many people can benefit; individuals, families, and communities.

Currently, African Americans are underrepresented in homeownership rates. Forty-six percent of African Americans own their homes, compared to 67 percent of the Nation as a whole. Furthermore, in the state of Texas, the homeownership rate is only 63.8 percent. Unfortunately, in the 18th District, the homeownership rate is even lower at 55.3 percent. That is 8.5 points behind the state average and nearly 11 points behind the national average.

We have quite a bit of catching up to do. In fact, of the homes owned in the Houston area, only 13.2 percent of them have African American owners, and 5.1 percent have Hispanic owners. That is a terrible disparity and it must change. The WOW initiative and the homeownership fair are wonderful agents to accomplish that change. The Power Center through Pyramid Community Development Corporation and the development of Corinthian Pointe, Rev. Kirbyjon Caldwell, and the Windsor Village United Methodist Church are also agents of change committed to increasing homeownership in the Southwest Houston community.

Rev. Kirbyjon Caldwell has facilitated the creation of the Power Center and the revitalization of a community with the help of that community and of many individuals. I would like to thank just a few of those individuals at this time. Particularly, I want to recognize Suzette Caldwell, the wife and partner of Reverend Caldwell, Ginger and Jack Blanton, Deborah and Gardner Cannon, and Nancy and Rich Kinder. I also want to thank Audrey and Rev. Bill Lawson, Beth and Charles Miller, and Beckie and Gasper Mir for all of their hard work. In addition, Bobbie and John Nau, Katie and Patrick Oxford, Anita and Gerald Smith, Rosie Zamora and Kay and Fred Zeidman and the dynamic Board of Directors deserve our thanks for the work they have done to strengthen the Power Center and the Pyramid Community Development Corporation. Mr. Speaker, there are countless others who were it not for their dedication and direction, we would not be celebrating such a joyous 10th anniversary of Houston's Power Center, and I want to thank them also.

With that, I say congratulations to the Power Center, to its leadership and to the community that it serves. We offer our respect and thanks for all that you do to provide an improved quality of life for all Houstonians.

The SPEAKER pro tempore. 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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. SOUDER).

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

There was no objection.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I am here as a member of the Washington waste watchers group, and I am here to focus on irresponsible spending on funds that miss the beneficiary and then go elsewhere.

Today's Washington waste watch, Mr. Speaker, highlights the taxpayer dollars that are sent to people other than those who they are intended to go for, and those are dollars that are supposed to go for certain beneficiaries of certain programs.

Americans should and would be shocked to know that their tax dollars are being sent to Washington, that they are funding benefits for dead people or prisoners and millions of people that simply lie on their applications in order to receive benefits that they do not qualify for.

The Washington bureaucracy, for example, is throwing away benefits that taxpayers spend their hard-earned money to fund and money that they send to D.C. Mr. Speaker, for example, 23 percent of all students whose loans were discharged due to disability claims are actually holding jobs, and many borrowers who receive death discharges are found to be clearly alive, Mr. Speaker, and in many cases, earning wages, 23 percent.

Medicaid, for example, paid \$1.6 million to a Wisconsin transportation company for multiple round trips to, among others, dead people that they clearly were not transporting.

Mr. Speaker, there are some good things going on, though. The Veterans Affairs Inspector General is using computer technology to identify individuals who may be defrauding the VA by receiving benefits that, again, for people they are receiving benefits for people that have already died. More than 5,500 possible cases have been identified and they have actually recovered \$4.7 million, but over the past 5 years, for example, law enforcement has arrested almost 7,000 fugitives who were illegally receiving food stamps. They included 1,500 accused drug offenders, Mr. Speaker, 31 murderers, 45 sex offenders and child molesters, hundreds wanted for assault and robbery.

Mr. Speaker, more than 25 percent of free and reduced price school lunches are being consumed by children whose families' income is way above what they should be to qualify for those programs, and then yet we do not have enough money, some people will say, for those that do qualify.

□ 2340

The Veterans Affairs Inspector General estimated that roughly 13,700 incarcerated veterans have been paid

about \$100 million nationwide because the Department just does not have a way to figure out who are the prisoners or not. These funds, Mr. Speaker, could have paid for 45,000 monthly compensation benefits for disabled veterans who do deserve it and who do need those benefits.

Last year, Mr. Speaker, \$366 million in Pell grant awards were improperly given out because applicants basically understated their income. These funds wasted on people that do not qualify could have paid for over 84,000 Pell grants for people that do deserve those benefits.

Mr. Speaker, President Bush is committed to eliminating these improper payments that plague these very important government programs. In fact, the President's management agenda has identified improper payments as one of the main elements within the administration's initiative to improve financial management.

Finally, Mr. Speaker, the American people should not be fooled, and they are not fooled, when millions of dollars are being spent on benefits for dead people, millions of dollars going to people in prisons that clearly do not qualify, millions going to people that lie on their applications. And despite all this, Mr. Speaker, the Democrats still want to raise the hard-working American taxpayers' taxes.

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

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

REMEMBERING SEPTEMBER 11 VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, 2 years ago tomorrow morning over 3,000 of our fellow citizens lost their lives in a series of terrorist attacks. I lost 383 friends and neighbors on Long Island alone. When I think about tomorrow morning, we in Congress are here; we in Congress are going about our business. But I remember looking out of my window and seeing the smoke coming from the Pentagon, and I remember looking up and watching TV and seeing the plane going into the Twin Towers. And within a few moments watching another plane hit the Towers, as all of us realized we were under attack.

I will think of the families that have lost their loved ones tomorrow morning, and I will think of our firemen and our police officers and all our people that ran into the buildings to try to save those that they could. I will think about my nurses that stood by in the hospitals ready for the survivors.

There are many people that will say to these victims to get on with their lives, to move forward. I would say to those people that they have gotten on with their lives; they have moved forward, but the pain is still there. And I say to the victims that I know it has been a tough 2 years, but you have survived. I know they have been there for their families and their children and the mothers and the fathers that have lost their children.

I hope the American people will really remember what September 11 was, because we as Americans came together. We as Americans opened our hearts and our pocketbooks. New Yorkers were there for everybody, the rest of the country, and this Congress was there for us.

The heroism that went on that day was unbelievable, but that is what we as Americans do. A lot of times we forget, because our lives are so busy; and yet when a tragedy hits this country, we have all come together. I ask my fellow Americans to remember the tragedy of 2 years ago tomorrow morning, and I ask them to remember by doing an act of kindness. I ask my friends on Long Island to reach out to those families, because they are going to need it.

I will be very honest with you, their first anniversary they are still in shock. And a lot of times the second and third and fourth anniversary is when the pain hits the hardest, and I talk from experience. But I will say to all those that were affected that your life will go on, as hard as it is, and you will learn to smile again and laugh again. Because we have this sense of survival in us. But I also know we survive because of all the people around us that are there for us.

We also found out that there are people out there that do not like us and do want to attack us. But we as Americans will fight back. They can try and take down a building but they cannot take away who we are. We are Americans. I will ask everyone watching to light a candle tomorrow and to remember all those that have died and those that are continuing to die for our freedom.

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

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

REMEMBERING A.C. BARGER OF CENTERVILLE, TEXAS

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

Mr. HENSARLING. Mr. Speaker, today I rise to honor the memory of A.C. Barger of Centerville, Texas, a constituent, friend, and distinguished

American who recently passed away. A.C. Barger was a patriot who loved his country dearly. As an Army veteran, he fought for freedom. A.C. saw action on the front lines of the Korean War. He put his life on the line for others. He knew freedom is never free.

A successful businessman who worked his way from the ground up, A.C. became the owner of the Wormser Hat Company, creating jobs and hope and opportunity for others. A.C. Barger was an entrepreneur. A loyal Republican, A.C. worked tirelessly to elect Republican candidates and was responsible for leading the Leon County Republican Party in my district, and all agree he was the heart and soul of that party.

As one who loved his fellow man, A.C. was well known for his volunteer services. From serving as the director of the Leon County Crime Stoppers, to leading the local VFW, to volunteering at the senior center, A.C. Barger made a difference in people's lives. A devoted Christian and devoted family man, A.C. was a lay minister in the Methodist Church and was married to his lovely wife, Darlene, for 45 years.

Mr. Speaker, in 8 days I am due to become the father of a son. I can think of no greater tribute to pay a man than to say I would be proud to have my son grow up and be like A.C. Barger. I have no doubt that A.C. has been received with the words "Well done, good and faithful servant." I was proud to know A.C. Barger, and we will miss him.

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

Mr. HENSARLING. I yield to the gentleman from Texas, a dear friend of Mr. Barger's.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for yielding to me, and I rise with him tonight to honor the memory of our fellow friend and Texan, A.C. Barger of Leon County, Texas.

A.C. left us in July; and although I am saddened by the loss of such a vibrant and caring person, I feel privileged to have known him and will tell you that my life was honored as a result of his service not only to me but to others.

□ 2350

A.C. left behind a giant footprint throughout his years, and he touch the lives of many, many people. He opened his home to me on numerous occasions and I can testify he was a man filled with the joy of living. He was also a man dedicated to service, service to his wife, service to his family, service to his Lord, service to his community, service to his country. He was a husband, a father, a friend, and a patriot.

From his service to the U.S. Army in Korea, to his work with the youth and elderly in Leon County, Texas, A.C. Barger made a difference and inspired others to do the same. Anyone can talk about ideas, but A.C. recognized that only actions ultimately mattered. He cared about people, and he did his very best to provide them with happiness.

A.C. walked the walk when it came to putting others first.

I thank A.C.'s family for sharing him with us over the years. A.C. leaves behind his wife of 45 years, Darlene, as well as his daughters, Kathy and Donna, and their families. I share their sense of loss. I know that A.C.'s family misses him, and I know that others in Texas, including myself in those, would say great job, and we will miss you our friend.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from New York (Mr. OWENS).

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

There was no objection.

HONORING VINCENT DANZ AND OTHER HEROES OF SEPTEMBER 11, 2001

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

Mr. BISHOP of New York. Mr. Speaker, tomorrow marks the second year anniversary of the most brutal acts of terrorism to ever take place on our Nation's soil. On September 11, 2001, let us not forget that families were torn apart and our way of life threatened as over 3,000 innocent lives were tragically lost in devastation at the Pentagon, World Trade Center and in Pennsylvania.

Let us also remember that September 11 was as much a day of loss and sorrow as it was a day of unprecedented heroism that poignantly demonstrated core American values of compassion, patriotism and service to country.

On that faithful morning, heroes were born as hundreds of our Nations first responders, firefighters, police officers, and other emergency personnel, selflessly and bravely lost their own lives to secure the lives and safety of others.

A good friend of mine and a resident of Long Island, Police Officer Vincent Danz, was one such hero of September 11. Vinnie Danz was among the first to respond on September 11 after a hijacked airliner crashed into the World Trade Center. Officer Danz, a member of the New York Elite Emergency Service Unit, spent his final moments helping the remaining occupants of the

North Tower escape before it collapsed at 10:29 a.m.

For those who knew Vinnie Danz, it was not at all surprising that he spent his last breath courageously filling his oath to protect and serve innocent civilians. As a 14-year veteran of the New York City Police Department, he had previously earned 17 decorations. Throughout his life, Vinnie not only dutifully answered the call to serve the residents of New York, but also his country. He was enlisted in the United States Marine Corps and at the time of his death was a marine safety technician with the Coast Guard Reserves.

Friends of Vinnie remember him as an avid Mets and Rangers fan, a straight-laced cop who loved to kid around, and most of all a loving father and husband. On September 11, Vinnie left behind his wife Angela and three small girls, Winnifred, named after his sister, and Emily and Abigail, whom he adored.

In remembering Police Officer Vinnie Danz, we honor the memory of a man whose life embodied the best of American ideals. Vinnie selflessly and courageously lived by the principles of service to community and country. In doing so, he demonstrated compassion and steadfast commitment.

Even in performing his final acts of heroism at the World Trade Center, Vinnie did not show concern for himself. Rather, he asked his wife in a final phone message to, "Say a prayer that we get some of these people out. I am okay, but say a prayer for me."

Vincent Danz was not the only Long Island hero of September 11. Lieutenant Andrew Desperito, a New York city firefighter from East Patchogue, New York, was on the 23rd floor of One World Trade Center when he found out that Tower Two had already collapsed. Before exiting the building, he ordered the rest of his team ahead and he stopped to help a woman having trouble making her escape. He had just exited the building when it collapsed. He did not survive.

There were also the Vigiano brothers, Joseph of Medford, an emergency service unit detective and his firefighter brother, John Vigiano, both of whom died that day in the line of duty when the Twin Towers fell.

The brave acts of New York's first responders helped to save the lives of 25,000 World Trade Center victims on September 11. Of those who perished, 33 were from the first district of New York. These people were professional rescuers, the finest New York had to offer. Our community's loss is great, and so is that of their families. Their plans for the future ranged from seeing their children through college to soon retiring from the force. In their common mission of saving lives on September 11, their dreams were lost and their families shattered. For their sacrifice, we owe a great debt to the police officers, firefighters and emergency workers who risked their lives on September 11.

As a Congress we not only have the responsibility to remember their acts of courage, but to carry out our duties with the same love of country, compassion to others and commitment to service.

To properly pay tribute to the lives of these courageous people, we in Congress must ensure that first responders have the support they need to remain safe and effectively carry out their life-saving duties. In addition, we must reaffirm our commitment as a Congress and as a Nation to prevent terrorists from ever again carrying out these heinous and offensive acts against Americans and other innocent people around the world.

In remembrance of these first responders from New York's first district, I will enter the names of those who perished into the RECORD.

James M. Amato, Frank Bonomo, Peter Brennan, Daniel J. Brethel, Donald James Burns, Thomas M. Butler, Nicholas Paul Chiofalo Jr., John A. Crisci, Michael Sean Curtin, Martin N. DeMeo, Andrew J. Desperito, Jerome Mark Patrick Dominguez, Michael K. Healey, Timothy B. Higgins, Andrew Jordan, Thomas Richard Kelly.

Patrick Lyons, Joseph E. Maloney, Peter C. Martin, William J. McGovern, Martin McWilliams, Thomas Moody, John Napolitano, Daniel O'Callaghan, Michael Thomas Russo Sr., Gerard Patrick Schrang, Stanley S. Smagala Jr., Kevin Joseph Smith, Lawrence T. Stack, John James Tipping II, Joseph Vincent Vigiano, Kenneth Thomas Watson, Walter Edward Weaver.

May we always remember their bravery, compassion for others, and ultimate sacrifice. We will always miss them and we will never forget.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Texas (Mr. BURGESS).

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

There was no objection.

ROCHESTER A'S

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

Mr. GUTKNECHT. Mr. Speaker, I will try to handle two tributes this evening. The first is to our baseball team from Minnesota, the Rochester A's.

This summer coaches Keith Kangas and Tony Beck brought together kids from Minnesota to reach a pinnacle in baseball.

Tonight I rise in recognition of the Rochester A's who won the American Legion World Series Championship in Bartlesville, Oklahoma, just a few weeks ago. Utilizing imagination, skill, and a whole lot of moxie, these kids made an improbable journey, becoming only the fourth team from Minnesota in the series' 77-year history to win this prestigious championship.

The A's made the most of their God-given skills to beat long odds and finished an astonishing 52 and 5. Perhaps the most difficult of the 52 victories in route to the ALWS was a rain delayed victory over a tough New Ulm team who was also from southern Minnesota. During an overnight rain delay pitcher Mike Badger and shortstop Danny Lyons devised a scheme in their hotel room. With a score of 6 to 4, a runner on second with the tying run at the plate with a 3 and 1 count, Badger would pick off the runner without ever throwing a pitch. With a trademark bit of tweaking, Coach Kangas suggested that Badger should throw a strike first making the count full, encouraging the runner to lean just a little heavier toward third base. Badger obliged, and then picked off the runner, sending the A's to the World Series.

Every game had a story of its own. I congratulate coaches Keith Kangas and Tony Beck, and all of the players and the team manager for their national championship season. For all of us who have ever tossed a ball around the backyard or taken a position on a baseball diamond, the A's are an inspiration, and I say congratulations.

Legion ball is a slice of Americana. There are no million dollar contracts. They play for the love of the game. In the play "Damn Yankees!" one of the immortal songs is "You gotta have heart." Well, this was a team with

heart. These truly were the boys of summer.

Mr. Speaker, secondly, I would like to pay a tribute to those on September 11.

Freedom loving Americans will gather across our great land to remember the heroes lost on September 11, 2001. Nothing we can say will adequately lighten the burden borne by so many. The best we can say is we will never forget. Wrapping ourselves in the cloak of freedom, we can become comfortable and complacent, but our greater purpose is to share it with the world. President Reagan said it is up to us to work together for progress and humanity so that our grandchildren when they look back at us can truly say we not only preserved the flame of freedom, but cast its warmth and light further than those who came before us.

Out of the ashes of hatred, Americans held up the lamp of liberty, casting its light throughout the world. Each generation has its own charge. Ours is to bring freedom to those who have never known it. Ours is to bring hope and opportunity where none exists. Ours is to share our goodness so others can be great. May God comfort those who hearts still ache. May he continue to bless America and all who defend her.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today and September 11 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGOVERN) to revise and extend their remarks and include extraneous material:)

Mr. MCGOVERN, for 5 minutes, today.
Mr. NADLER, for 5 minutes, today.
Mrs. MALONEY, for 5 minutes, today.
Mr. WEINER, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.
Mr. BISHOP of New York, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. HOLT, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. MEEHAN, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. SESSIONS) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.
Mr. BURGESS, for 5 minutes, September 11.
Mr. HUNTER, for 5 minutes, today.
Mr. JONES of North Carolina, for 5 minutes, September 11.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1668. An act to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse".