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House of Representatives

The House met at 10 a.m.

The Reverend Charles L. Moseley, Pastor, Great Bridge Baptist Church, Chesapeake, Virginia, offered the following prayer:

Our heavenly Father, today we come into Thy presence with thanksgiving and praise for the privilege of calling upon Thy name. Through Thy Son Jesus Christ, we lift this assembly to Thee asking for divine wisdom and Thy leadership upon each one. We thank Thee, O God, for the dedication and sacrifice of these who serve, realizing the tremendous burden upon each one in the decisions that must be made day by day.

Help us to remember the heritage that is ours and make us an example to the world of what freedom and democracy are all about. Let us never forget the price that has been paid, and help us to always honor those who have gone before, making this day possible.

God bless the President, the congressional leaders, and God bless America to make us great because we have kept the faith.

In the name of Christ we pray. Amen.

THE JOURNAL

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

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

Mr. BURNS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. BURGESS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bill of the House of its following title:

H.R. 2826. An act to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the ''Roberto Clemente Walker Post Office Building''.

The message also announced that pursuant to provisions of Senate Resolution 98, agreed to July 25, 1997, the Chair, on behalf of the Majority Leader, announces the appointment of the Senator from Idaho (Mr. CRAIG) to the Global Climate Change Observer Group.

WELCOMING THE REVEREND CHARLES L. MOSELEY

(Mr. FORBES asked and was given permission to address the House for 1 minute.)

Mr. FORBES. Mr. Speaker, it is a privilege to welcome my friend and pastor, Reverend Charles Moseley, as guest chaplain of the United States House of Representatives. We are thankful for his presence today and for his humble ministry to God.

In over 30 years of service at Great Bridge Baptist Church in Chesapeake, Virginia, Reverend Moseley has steadfastly led his congregation in the footsteps of Christ, touching thousands of lives with the joy and peace of the Lord. Through the many years that my family and I have attended Great Bridge Baptist, I have come to know Reverend Moseley as a model of selfless service and great spiritual leadership. He has also been my pastor for over 30 years.

Reverend Moseley came to Great Bridge Baptist Church from South Carolina in 1969 and has served as pastor ever since. He and his wife, Lou, are devoted to their five children and six grandchildren, to each other, and to their extraordinary faith in the Lord. Through this great faith, Reverend Moseley has given countless people hope, inspiration, and spiritual strength.

We are honored to have Reverend Moseley with us today and we warmly welcome him. I thank him for his prayer today and for his spiritual guidance.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). The Chair will entertain 10 one-minute speeches from each side.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

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

Mr. BURGESS. Mr. Speaker, today the House will vote on a historic bill, the conference report on the partial-birth abortion ban. As a physician who has delivered over 3,000 babies, I am personally opposed to abortion, but in

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particular the only reason to select the partial-birth abortion procedure is to ensure that the baby is dead when delivered. As a physician, I recognize that serious complications can occur during the last trimester of pregnancy. However, if the mother's health dictates that the pregnancy must be concluded and a normal birth is not possible, the baby may be delivered by C-section. Whether the infant lives or dies depends upon the severity of the medical complications and the degree of prematurity, but that outcome is dictated by the disease process itself. The fate of the infant during the partial-birth abortion procedure is predetermined by the nature of the procedure performed and is uniformly fatal.

In 1995, a 12-doctor panel representing the American Medical Association recommended banning partial-birth abortion, referring to it as, and I quote, basically repulsive, close quote. I agree with the AMA's panel. The procedure is repulsive and after today will be illegal.

FREEDOM RIDERS

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

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the Immigrant Workers' Freedom Ride and its participants.

On September 20, hard-working men and women from every corner of this country set off on a journey in support of immigrant workers' rights. These men and women support our economy through their work. Men and women who support all of us with their dedication, their taxes, their skills. Men and women who are involved in their communities, in our communities.

Much like the freedom riders of years past, they are calling for what many would consider to be just basic rights. They are calling for family reunification. They are calling for the restoration of labor protections for all workers in the U.S. They are calling for our country to acknowledge their civil rights.

These men and women are as much a part of our Nation's history as they are a part of our Nation's present and future. For years they have proven their dedication to our country. They deserve more than a simple tour of our country. They deserve our respect.

HONORING THE SOUTH CAROLINA STATE FAIR

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

Mr. WILSON of South Carolina. Mr. Speaker, it is a wonderful time of the year in South Carolina. It is a time when families from all over the State bring their children and friends to the State Fair in Columbia. The tradition of our State Fair dates back 134 years, when it started as an agricultural convention sponsored by the State Agriculture and Mechanical Society of South Carolina, raising funds for charities. Its facilities are a great resource for expositions and conventions year-round.

Today, the Fair attracts almost 600,000 people who come to enjoy educational exhibits, arts and crafts, livestock, games, rides and popular entertainment. I am proud to have attended the Fair since my childhood, and I am proud to recognize this as an example of the American spirit of community. I want to thank Society President Cante Heath and Fair Manager Gary Goodman for their hard work in making this year's Fair a tremendous success.

I ask all of my colleagues to join me in wishing the people of South Carolina a safe and enjoyable time at this year's State Fair.

In conclusion, may God bless our troops.

IMMIGRANT WORKERS FREEDOM RIDE

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to welcome and salute the Immigrant Workers Freedom Ride.

Inspired by the 1961 freedom rides that sought to integrate bus terminals in the South, today's riders are visiting cities and towns across the country. They are raising awareness about the plight of immigrant workers and advocating for comprehensive change to our immigration system. Like Dr. Martin Luther King, Jr., these Americans refuse to believe, and I quote, that there are insufficient funds in the great vaults of opportunity in this great Nation.

Let me share the story of one of those Americans. Salvador Guillen is the proud leader of the Hotel Employees and Restaurant Employees International Union, Local 681. He is the father of three children and has worked as a housekeeper at Disneyland's Paradise Pier Hotel for over 15 years. Salvador was born in Zamora, Michoacan, and has lived in the United States for 18 years. He is now a proud citizen of the United States.

In his own words, Salvador states: ''I want workers like my two sisters who have not been able to legalize and who are forced to work jobs where they are abused, overworked and underpaid to have the same opportunity.''

Together we can implement sensible immigration policies that bring all immigrants one step closer to the American dream.

COMMENDING MEDICAL COLLEGE OF GEORGIA AND FORT GORDON COMMUNITY FOR THEIR EFFORTS TO FIGHT TERRORISM

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

Mr. BURNS. Mr. Speaker, in the wake of the September 11, 2001, attacks, the Medical College of Georgia, the U.S. Army Signal Center and the Southeast Regional Army Medical Command at Fort Gordon have joined together to train military and civilian personnel in disaster response, emergency medical response and emergency response coordination. I commend them for their efforts to develop the Training Center for Disaster Medicine Preparedness and a Disaster Response Simulation Center.

These three organizations combine to include world-class medical education facilities, faculty and advanced communications infrastructure, ensuring well-trained and prepared personnel in the event of a natural disaster or a terrorist attack serving not only east Georgia but indeed the entire Nation.

Mr. Speaker, I commend MCG and the Fort Gordon community for their efforts on behalf of our Nation.

MONEY-MAKING OPPORTUNITIES IN IRAQ

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

Mr. KUCINICH. Mr. Speaker, I remember the time that this administration came to the Congress and asked us to support the troops and then turned around and cut veterans benefits by $25 billion. Today, while we are being told to vote for $87 billion for Iraq to support the troops, we find that those who will benefit financially from the war are the armies of lobbyists who have ties to this administration.

In yesterday's Hill, a column by Josh Marshall points out, and this is a quote, ''The President's right-hand man quits his government job just before the bombs start falling. He sets up shop in the offices of one of the biggest GOP lobbyists in town. And he starts selling his services to clients who want a piece of the big Iraqi reconstruction contracts pie—the pie his old bosses are in charge of slicing up.''

From today's Washington Post:

''Getting the rights to distribute Procter & Gamble products would be a gold mine,'' said one of the partners at New Bridge who did not want to be named. ''One well-stocked 7–Eleven could knock out 30 Iraqi stores; a Wal-Mart could take over the country,'' he said.

Here we are with a hostile takeover led by our men and women whom we pride. Stop this administration from using troops to justify a war and war profiteering. Get out of Iraq.

PARTIAL-BIRTH ABORTION BAN ACT

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

Mr. BARTLETT of Maryland. Mr. Speaker, I came here with a prepared text, but I just could not resist this smiling face. Through the miracle of modern technology, this is the picture of a baby in the womb. It is clearly a baby. It is clearly smiling. It is clearly a human being.

I did not bring with me some other visuals that would show you what is going to happen to Sarah in the partial-birth abortion procedure. She is going to be turned around in her mother's womb, and she is going to be delivered feet first. Not quite delivered. Her head is going to be left in the birth canal and then a trocar is going to be stuck in the back of her head, just where the spinal cord enters the brain. And then her soft brain tissue is going to be sucked out. Obviously, her life expired. This is partial-birth abortion. We are going to ban this hideous procedure today.

IN SUPPORT OF THE BAN ON PARTIAL-BIRTH ABORTIONS

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

Mr. BISHOP OF UTAH. Mr. Speaker, often times we do things that are popular in America, but wrong. Today, we are going to do something that is popular with the majority of Americans, but very right.

H.R. 760 does not overturn the Roe v. Wade ruling, but it eliminates a heinous process that was never intended to be protected in the original judgment. When the Supreme Court bypassed the legislative process to make abortions legal 30 years ago, the legislative voice opposing abortion, was never heard. Thus the ruling laid the foundation for the outrage and protest we have today. The people were not allowed to be heard through their elected Representatives.

Many judges who today uphold the Roe v. Wade ruling today, oppose the procedure by which it became reality. By approving the conference report on the partial-birth abortion ban today, we will be enacting legislation the correct way. Both Chambers of Congress will have debated and spoken on this bill, and now the President will have the same opportunity.

The partial-birth abortion ban will be a good law, a righteous law, and it will be enacted the right way. I support this legislation because it protects the most important minority in America: those who cannot speak for themselves. I urge my colleagues to do the same.

IRAQ SUPPLEMENTAL

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

Mr. STEARNS. Mr. Speaker, as we debate the Presidential supplemental request for Iraq, one point I do want to address is the idea of placing some of the requested funds for reconstruction to Iraq in the form of a loan. I believe it is possible to do this considering the enormous assets of this country. I am not persuaded by the argument that we do not want to add to Iraq's current debt of $200 billion, which is largely owed to France, Germany, and Russia. I find it difficult to believe that if these countries truly want to contribute to the stability of the region, they would not seek to forgive a substantial portion of their debt.

The American families sacrificed much to win the freedom in Iraq. However, we cannot expect Iraq to pay back funds first to those very countries that sat back and let our men and women undertake the risks to win the freedom in Iraq.

SUPPORT THE PARTIAL-BIRTH ABORTION BAN ACT

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

Mr. KENNEDY of Minnesota. Mr. Speaker, today this House is set to pass a historic bill, the partial-birth abortion ban. We have passed it several times in the past, but this time is different. In this case, we have a President who has said that he will sign this important bill to end this horrific practice.

I have a nephew that was born a few years ago less than two pounds, and many of the young men and women waiting to be born that have been killed by this procedure have weighed more than Alexander. So I call on my colleagues to rise to this historic moment, pass this important bill, and protect those, the most innocent among us.

IMMIGRANT WORKERS FREEDOM RIDE

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

Ms. DELAURO. Mr. Speaker, immigrants who come to this country today work hard in the lowest-paying jobs, sometimes working two or three jobs just to support their families. They earn very little money for their efforts, but they bring the richness of hope to our civic and our cultural communities. They pay taxes. They are overwhelmingly honest and hardworking, and they deserve our respect. They wanted only a fair opportunity to share in the prosperity of this great country. They only want what so many others received before them.

Today, because of outdated and unnecessarily burdensome immigration restrictions, many immigrants live their lives underground, cannot get an opportunity for a more formal, legal status and get the opportunity to work for citizenship. Immigration laws and policies that deny people opportunities for permanence or that leave them exploited should certainly be challenged. We should allow immigrant workers without documentation to seek permanent residency status without being forced to leave the country.

Undocumented workers, who have lived here lawfully and productively, should be eligible for immigrant visas based on family relationships and job skills. They should have the opportunity to become legal permanent residents and eventually U.S. citizens.

I join the gentlewoman from California (Ms. SOLIS) in her support of the Freedom Ride Resolution and urge the President to reform our broken immigration system.

CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 383 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 383

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate.

Mr. Speaker, on Wednesday the Committee on Rules met and granted a rule to provide for the customary 1 hour of consideration for the Partial-Birth Abortion Ban Conference Report of 2003.

The rule waives all points of order against the conference report to accompany S. 3 and against its consideration. It also provides that the conference report shall be considered as read.

This conference report makes it illegal in the United States for a physician to perform a partial-birth abortion. As an original cosponsor of this legislation, I am very pleased to see this conference report reach the floor of the House of Representatives. I have been waiting for this day to come since 1995.

I am sure that President Bush is eagerly awaiting the opportunity to put an end to this horrific act of human violence by signing this legislation into law. Finally, we have a President in the White House who will not veto this monumental legislation.

I also want to thank my colleagues on the other side of the Rotunda for passing this important legislation. I must say, as a mother and a grandmother, it is astonishing to me that this horrible practice is even remotely legal in America today, and as we will no doubt hear on the floor today, it is practiced all too often in there country.

Partial-birth abortion is the procedure where a pregnant woman's cervix is forcibly dilated over a 3-day period. On the third day, her child is pulled, feet first, through the birth canal until his or her entire body, except for the head, is outside the womb. The head is held inside the womb by the woman's cervix, and while the fetus is stuck in this position, dangling partly out of the woman's body and just a few inches from a completed birth, the abortionist inserts scissors into the base of the baby's skull, and the scissors are opened, creating a hole in the baby's head. The skull is either then crushed with instruments or a suction catheter is inserted into the hole and the baby's brain is suctioned out. Since the head is now small enough to slip through the mother's cervix, the now lifeless body is pulled the rest of the way out of its mother and the baby's corpse is discarded, usually as medical waste.

The vast majority of partial-birth abortions are performed on healthy babies and healthy mothers. Congressional findings have shown that the procedure is not medically necessary and actually poses a significant threat to the mother's health and her future fertility.

This conference report would also punish those who perform the procedure with fines and prison terms of up to 2 years. Husbands or parents of women younger than 18 would be able to sue for damages.

Although language banning this procedure was struck down in the past by the Supreme Court, this new legislation has been tailored to address the Court's concerns. The five-justice majority in Stenberg v. Carhart thought that Nebraska's definition of partial-birth abortion was vague and could be construed to cover not only abortions in which the baby is mostly delivered alive before being killed, but also the more common ''dilation and evacuation,'' D & E method. The conference report defines partial-birth abortion as an abortion in which ''the person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or in the case of breech presentation, any part of the fetal trunk past the naval is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus.''

The tighter definition not only clarifies the procedure so that the court will not reject it, it also draws attention to the violence of partial-birth abortion by describing how far out the baby can be. We have changed the bill, adding findings of fact to overcome constitutional barriers, and I am confident it will survive judicial review.

This is a historic day for the American people. A civilized society cannot tolerate the barbaric nature of the partial-birth abortion procedure. Mr. Speaker, the public wants this bill in overwhelming numbers, believing in their hearts that we as a Nation are better than this. We are a better people. To that end, I urge my colleagues to support the rule and the underlying conference report.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, it is indeed a historic day for America, for more, I think, than most people in here realize. For the first time in the history of the Republic, the Congress of the United States is poised to outlaw a medical procedure. A majority that wants the government off everybody's backs, wants to preserve privacy, is inserting itself between a woman and her family and her physician.

I wonder what is next. Perhaps they will decide that one cannot have a hysterectomy during child-bearing years, even though one may have some serious disease, or maybe we will outlaw vasectomies. That would be something we could do in here today too. And maybe we would not even like gallbladder operations. Who knows? There may be some reason we would not want to do those. All of them are pretty gruesome to describe.

Mr. Speaker, yesterday was the beginning of a new fiscal year and only three of the 13 bills appropriating funds for the new year have been signed into law. Millions of Americans are unemployed. Jobs continue steadily to disappear. More families living in poverty for the second year in a row, another historic day for America that has not happened before. Tens of millions of families live without any health insurance. The Federal debt is projected to reach $5 trillion. Thousands of American troops are in Iraq working in dangerous conditions. And instead of addressing these pressing issues, we are once again considering legislation that violates fundamental constitutional rights and threatens women's health.

Three years ago, the United States Supreme Court settled this issue, they thought once and for all, when it struck down similar legislation that banned safe and effective abortion procedures. The Court again confirmed the constitutional foundation of women's reproductive rights as recognized in Roe v. Wade and reaffirmed 2 decades later in Planned Parenthood of Southeastern Pennsylvania v. Casey. At the end of their last term, in the Lawrence v. Texas decision, the Court relied on the right to privacy that was recognized in Roe.

Despite the minor tinkering of the conference committee, S. 3 still suffers from the same constitutional flaws as the Nebraska statute thrown out by the Supreme Court, and this one we hope will meet the same fate. The ban on medical procedures is vague and overbroad and does not contain an exception to perform the procedure when a woman's health is threatened, and it goes so far as to give the father of the fetus the right to sue the woman or the doctor for money damages, even if he is not married to her or if he beats her or rapes her.

Obstetricians and gynecologists say that the term ''partial-birth abortion'' is not a medical term, and they are right. It is a political creation. We will not find the definition of the procedure that S. 3 seeks to ban in a medical dictionary or textbook. The nonmedical language in S. 3 could cover at least two different kinds of procedures, one of which is the most commonly used abortion procedure. This vague and overbroad definition would create so much confusion in the medical community that doctors would not know which medical procedure might land them in jail, and we should not make our doctors criminals.

S. 3 brazenly seeks to sidestep the Constitution. The Supreme Court has plainly determined that the Constitution requires an exception when the woman's health is endangered. Pages and pages of congressional findings will not change or will not fulfill the constitutional demand to protect a woman's health.

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The authors of this bill hope that the Federal courts, most especially the Supreme Court, will defer to these congressional findings and waive this constitutional requirement. But the Court has squarely said that ''the power to interpret the Constitution in a case of controversy remains in the judiciary.'' And the Court has said that simply because Congress makes a conclusion does not necessarily make it so. Just because the findings in the bill assert that there is no medical reason for a health exception does not make that true, and it does not change the demands of the Constitution.

Last June, when the House first considered this bill, Ruth Marcus noted in The Washington Post that ''just as Clarence Thomas wrote in a different context that, if Congress 'could make a statute constitutional simply by finding that black is white or that freedom is slavery, then judicial review would be an elaborate farce.' ''

Despite what politicians may say, the American College of Obstetricians and Gynecologists, the doctors who perform these procedures, say that the procedure this bill seeks to proscribe

''may be the best or most appropriate procedure in a particular circumstance to save the life,'' I want to emphasize that, ''to save the life or preserve the health of a woman,'' and that ''only the physician, in consultation with the patient and based on her circumstances, can make this decision,'' not the Congress of the United States. We are not physicians here. I think we think we are omnipotent; we are not. Medical professionals in every Federal court in the country that has heard this issue, except for one, all have agreed that these are safe procedures and they may, in fact, be the safest procedure in some circumstances.

This, as I pointed out before, is the first time in the history of this Republic that Congress is banning a specific medical procedure. Physicians, and not politicians and pundits, should provide women and their families with medical advice. Women and their families, not the government, should make these difficult and private and medical decisions.

This bill would deprive doctors of the ability to care for their patients. By outlawing safe and effective medical procedures, Congress would subject women to more dangerous medical procedures, putting their health and their lives in jeopardy. Do we really want to do that? Women deserve the best medical care based on the circumstances of their particular situation. Instead of making abortion more difficult and dangerous, we should pass legislation that helps reduce the need for abortions; but we will not do that, by reducing the number of intended pregnancies. We should increase the funding for title X, and health insurance should cover contraception. It covers Viagra. Why not contraception? Emergency contraception should be more available. And research on other contraceptive methods should be fostered.

So why are we here today considering a rule for an unconstitutional bill? Richard Posner, Chief Justice of the U.S. Court of Appeals of the 7th Circuit who was appointed by President Reagan, gave us the answer when he wrote that the proponents of similar legislation ''are concerned with making a statement in an ongoing war for public opinion, though an incidental effect may be to discourage late-term abortions. The statement is that fetal life is more valuable than women's health.'' Let me say that last sentence again: ''The statement is that fetal life is more valuable than women's health.'' Judge Posner went on, writing that ''if a statute burdens constitutional rights and all that can be said on its behalf is that it is the vehicle that legislators have chosen for expressing their hostility to the rights, the burden is undue.''

The deliberate actions of the conference committee underscore the real aim of the bill. The majority of the other body passed a version, S. 3, that said, ''The decision of the Supreme Court in Roe v. Wade was appropriate and secures an important constitutional right, and such decision should not be overturned.'' Tuesday evening, the conference committee, along party lines, quickly stripped the Roe-supportive language out of the bill. This emphasizes the true purpose of the legislation: targeting a woman's right to privacy, with the hope that a Supreme Court with a new justice or two will weaken or reverse Roe. A Washington Post article said it plainly: ''The political agenda is clear. Ken Connor, president of the conservative Family Research Council, spelled it out in an e-mail after the Senate voted last March. With this bill,'' he wrote, ''we are beginning to dismantle, brick by brick, the deadly edifice created by Roe v. Wade.''

As a mother, grandmother, and a long-time advocate for women's health, I strongly believe that this bill is a threat to women's health, and an attempt to whittle away at a woman's constitutional right to her privacy and control of her body. I urge my colleagues to oppose this rule and to oppose S. 3.

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

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

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

Mrs. MUSGRAVE. Mr. Speaker, few things that we do in this life have significance as we go 10, 20 years down the road; but the work that we are doing today in this Chamber has enormous significance. Partial birth abortion defies logic. I try to imagine how an individual could even come up with this thing that is called euphemistically a ''procedure.'' I am trying to imagine in my mind how a doctor, who is calling on his or her life to be a healer, to extend life for individuals, came up with this procedure. I am trying to imagine how sticking scissors into the brain of a child that is partially born is called a ''medical procedure'' that is to benefit the life of the mother, the mother whose body is getting ready to birth this child, a woman who is going through all of the things that we have gone through, getting ready to have the child.

It is an important thing in this Nation today that we have acknowledged what this really is, and it is a good day in America when our President will sign the partial-birth abortion ban into law.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, here we are at the end of the fiscal year with important unfinished work for the House of Representatives. Our fiscal year budget is not complete, our seniors do not have a prescription drug benefit, and our local communities still need support in the war against terror, to list only a few of the unfinished pieces of business that we have before us.

Yet, what does the majority decide to bring to the floor? A bill that everyone knows will not pass the muster of the Supreme Court. Because there is no exemption to protect a woman's health, this bill not only fails to meet moral requirements, it fails to meet constitutional requirements.

We have a moral obligation to protect and promote women's health, not endanger it. In fact, our debate should be about measures to reduce the number of unintended pregnancies and ensuring that all pregnant women have affordable access to the care they need so they can deliver healthy babies.

The Supreme Court has been clear. Our laws cannot take away a woman's right to a safe and accepted medical procedure when her health is in danger; and yet the antichoice lobby chooses to once again waste our valuable time pushing legislation that politicizes women's health and chips away at a woman's constitutional right to choose an appropriate lifesaving medical procedure.

As we know, a pregnancy can go tragically wrong in the final stages; and in these unimaginable circumstances, a woman must not be required to risk her health and future fertility by continuing a dangerous pregnancy. I am not a doctor, so I am not going to stand here and pretend that I have the necessary expertise to make medical decisions for my constituents, nor should any Member of the House, nor any Federal agency. Instead, I want every woman in my district and in this Nation to have access to the procedure she and her physician feel are the safest and most appropriate for her particular situation.

Let us be honest. The debate today is not about aborting viable, healthy children. Few late-term abortions occur, and those that do are tragically necessary to save the life or health of the mother. This debate is really about limiting a woman's right to privacy and restricting access to constitutionally protected medical procedures. The American people must know that while the necessary work of the House of Representatives remains undone, we are here debating a bill that makes an unconstitutional attempt to chip away at a woman's right to access for a particular medical procedure.

Mr. Speaker, I urge my colleagues to oppose this rule and oppose this conference report.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today to express my support for the conference report on the Partial-Birth Abortion Ban Act

of 2003. For nearly a decade, Congress has attempted to see this legislation become law, and I am pleased that we will again be affirming the message that partial-birth abortion is wrong.

There is overwhelming support in the second district of Kentucky and across the Nation for a ban on partial-birth abortions. Eight versions of a partial-birth abortion ban have passed the House since the 104th Congress. This body also passed multiple overrides of Presidential vetoes on this issue during the Clinton administration. Throughout this time, we have seen numerous State legislatures take similar action and vote to end the savage practice of partial-birth abortions in their States.

There is a clear and consistent mandate throughout the Nation: partial-birth abortion is wrong and must be prohibited by law.

I realize that the issue of abortion is difficult and powerfully divisive for many Americans. There are well-intentioned, intelligent people on both sides of this debate who will continue to disagree. But I am deeply concerned about the value our society places on human life when we tolerate this practice, brutally denying a defenseless, unborn child its right to life. By condoning abortion, and especially the brutal practice and procedure of a partial-birth abortion, our greater human condition is significantly cheapened.

I am pleased that so many of my colleagues are taking a stand and acting in support of this legislation. This conference report demonstrates the bicameral and often bipartisan commitment of lawmakers in the 108th Congress to protect the sanctity of human life by outlawing a procedure that devalues and violently terminates its potential. I am also encouraged knowing that at this time we have an administration that is willing to take positive action and sign this ban into law.

The late Mother Teresa of Calcutta once said, ''The greatest destroyer of peace is abortion because if a mother can kill her own child, what is left for me to kill you and you to kill me? There is nothing between.'' It is time we act strongly and unmistakably and vote once again to preserve life and ban this gruesome, inhuman practice.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, let us be crystal clear about what this House is doing today. We are making a medical judgment. That ought to be of deep concern to every American who believes that the Federal Government has no business injecting itself into the middle of the doctor-patient relationship. If we pass this partial-birth abortion conference report, elected representatives of the people of the United States, not the medical community, not doctors, not trained persons, will be telling every American woman that she cannot obtain certain medical procedures that are currently legal and available to her. If that does not trouble you, this should: this conference report is patently unconstitutional.

The proponents of this conference report are literally trying to paper over Supreme Court precedent in direct contradiction of the Supreme Court's decision 3 years ago in Stenberg v. Carhart. This conference report deliberately excludes an exception for cases in which a woman's health is in jeopardy. Instead, the proponents of this conference report have added dozens of pages of congressional findings that conclude that the prescribed abortion procedure is never medically necessary. The distinguished gentlewoman from New York (Ms. SLAUGHTER) quoted Justice Thomas in saying that that would not work and could not work.

Mr. Speaker, I do not believe that anyone here believes that abortion is a desired outcome to a woman's pregnancy; no one believes that. I think without question that this belief is even stronger when an abortion is obtained in the later stages of pregnancy. However, Mr. Speaker, the fact of the matter is, this legislation, and I have said it before and I will say it again, would not prevent one abortion.

□ 1045

This legislation will not prevent one abortion, not one. Why? Because it leaves in place other procedures. That is because, while it claims to ban a specific medical procedure performed in the most tragic of circumstances, it leaves other means of terminating a pregnancy in place. To that extent, this legislation is without effect.

I would challenge any proponent of this legislation to tell me why it prohibits the termination of a pregnancy. I understand the proponents say it prohibits a procedure, but there will be not one proponent because it will not be medically justifiable to say so, that it precludes the termination of a pregnancy at any stage.

Unfortunately, Mr. Speaker, this House has again missed an important opportunity to seize what common ground exists in this difficult issue. The bipartisan Late-Term Abortion Restriction Act, which failed on this floor, which I co-sponsored this year, addresses the heart of the matter: the termination of pregnancy in the late stages of pregnancy. That legislation would have precluded all late-term abortions by any method except to save the life or protect the health of the mother.

It is clear that the conference report before us is nothing but a veiled attempt to undermine the Supreme Court's landmark ruling in Roe versus Wade. It will fail. It will fail in the courts. How else can one explain the conferee's decision to strip out the Senate language reaffirming Roe? I hope my colleagues reject this bill.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to support the rule and passage of the Partial Birth Abortion Act of 2003. Eliminating the cruel and unusual punishment of partial birth abortion is a step in the right direction for the United States as a civilized society. We would never tolerate such a brutal form of execution for the most heinous criminal. It is right to end this method of killing innocent, unborn children in their mother's womb.

The facts of partial-birth abortion are gruesome, and I will not repeat them. They are humiliating. They are heinous. I am embarrassed in this civilized society to have to describe a procedure that should never be. Ending partial birth abortion will reaffirm the principle in our Declaration of Independence that human beings, that baby smiling in the womb, are endowed by their creator with a right to life.

I thank God for the support of President George W. Bush who will sign this bill into law to end this heinous practice.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for her leadership, and I rise in strong opposition to this rule and the underlying bill.

Contrary to what proponents have claimed, this bill has nothing to do with late-term abortions or with banning one specific procedure. Instead, this bill bans the safest procedures physicians perform, starting as early as 12 weeks of pregnancy. It also lacks any exception for the health of a woman.

The Supreme Court settled this debate 3 years ago when it struck down a nearly identical Nebraska ban for the same two reasons I mentioned, and the Supreme Court warned that this type of legislation would have, and I quote, ''tragic health consequences,'' end quote.

More women will suffer serious medical complications including infertility, infection, and even death because of your actions today.

The question here is not whether this bill is unconstitutional; the question is, why are you passing an unconstitutional bill that is so dangerous to the health of your wives, daughters and friends?

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, partial birth abortion is but the tip of an ugly and an unseemly iceberg.

Just below the surface, the surface appeal of choice is a reality almost too horrific and cruel to contemplate, let alone face. Yet we persist in our illusions and denial, ever enabled by clever marketing, biased news reporting, and the cheap sophistry of choice.

Let us be clear. Abortion is child abuse, and it exploits women.

Women deserve better than having their babies stabbed, cut, decapitated, or poisoned. Women deserve nonviolent, life-affirming, positive alternatives to abortion.

Thirty years after Roe, the national debate about partial birth abortion has finally pierced the multiple layers of euphemisms and collective denial to reveal child battering in the extreme. The cover-up is over, and the dirty secret concerning abortion methods is finally getting the scrutiny that will usher in reform and protective statutes.

Mr. Speaker, there is nothing compassionate nor benign about stabbing babies in the brain with scissors so their brains can be sucked out. In like manner, there is nothing compassionate or benign about other methods of abortion, like injections of chemical poison that burn and blister or dismemberment by suction machines 20 to 30 times more powerful than household vacuum cleaners.

The loss of children's lives since Roe has been staggering, Mr. Speaker: 44.4 million babies dead. Picture this: Two days ago 56,292 fans packed into Yankee Stadium for the play-offs. The number of children killed since Roe would fill Yankee Stadium to capacity each and every day for 788 days. The shear number of children destroyed is numbing.

Then there is the terrible toll that abortion imposes on women. A new organization, Mr. Speaker, Silent No More, organized by women who have had abortions, including actress Jennifer O'Neill, shatters the myth that abortion somehow benefits women. ''We are the face of women exploited,'' they say.

Women need real love, genuine compassion, and their voice will ultimately be heard. Mr. Speaker, the cover-up is over.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for New York (Ms. SLAUGHTER) for her steadfast work to preserve a woman's right to choose, as this bill does not, and to keep us from endangering that right from the thirteenth week on. And that is what this bill does.

I want to speak to the constitutional issues. I understand where many Americans are on what they think is misnamed partial birth abortion. You know, that is a 1984 gamut, call something what it is not, trying to focus the American people on a viable baby being aborted as it comes out of its mother's womb. My friends, that is not this bill.

This bill is a virtual twin of a bill in Nebraska law that was struck down 3 years ago by the Supreme Court in Stenberg versus Carhart. This is a redux of that unconstitutional law. And though there have been some attempts to fiddle with the bill in those terms, there is not a dime's worth of difference between this law and the Nebraska law.

Now, the Republicans are not as dumb as they look. They have read the decision. They are not even trying to ban one procedure. They are trying to dip into the second trimester, and, boy, have they done it. And Ms. and Mrs. America do understand that, beginning with the thirteenth week, the procedures most commonly used and understood to be the safest procedures for performing abortions after the thirteenth week would be banned by this bill. In the law we say it is unconstitutionally vague. That means it is so broad that it goes beyond what might be legal. Of course, this would not be legal because it has no health exception.

The majority is trying to practice medicine without a license. It certainly is not capable of practicing law without a license, because each and every time this and similar bills have been overturned. Worse, there is no health exception. It is as if Roe versus Wade never said that in order to be constitutional there always had to be a health exception. These folks just slide right over that.

I want to leave you with the words of the Supreme Court in Carhart, because you are going to be hearing them again. This is not my Supreme Court, this is a conservative Supreme Court. And it said, ''Using this law some present prosecutors and future attorneys general may choose to pursue physicians who use the most commonly used method for performing previability, second trimester abortions. All those who perform abortion procedures using that method must fear prosecution, conviction, and imprisonment. The result is an undue burden upon a woman's right to make an abortion decision. We must quickly find the statute unconstitutional.''

It was unconstitutional 3 years ago, my friends. It is unconstitutional today, even if we enact it.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, today we enter into the final weeks of debate, delay, and continued obstructionism surrounding one of the most corrupt laws ever forced upon this land by the Supreme Court, that of partial birth abortion. This horrific and violent procedure against pre-born American children unbelievably is still the law of this land.

As shown on this diagram, this law allows an abortionist to pull a fully developed baby out of its mother's womb by its feet. This is the law that still allows an abortionist to insert his scissors into the base of a child's brain stem, and this is the law that still allows an abortionist to vacuum out a baby's brains.

They deceive the American people by calling it choice. Hide the true facts and spin it until you are blue in the face, but the days of this Nation having a law that advocates child abuse and death to pre-born American children may finally have seen its own demise. We are on the verge of eliminating a decrepit and immoral law from the same books that contains our sacred rights and liberties.

As the father of 12 children, I want to teach my children to love this Nation unconditionally, to revere her, to respect her laws and be drawn into complying with the laws of this Nation because her laws represent goodness, because they are filled with integrity, and because we are bound by a moral sense of obligation to abide by them.

Let us love this Nation and hold her laws in esteem by eradicating this disgusting laws from our land. Stop the torture and infanticide of our pre-born American children and our future patriots. Let them have life and finally let us rid ourselves of this evil.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I need really to respond to the previous speaker.

First, Roe v. Wade does not allow abortions after the first trimester without a doctor's permission. These are fetuses in many cases with no brains, with no lungs, who may live for a moment or two. These are not children that are born and run around the room.

It is outrageous to stigmatize women who have had this procedure so that they can protect their fertility system so that maybe they, too, can have 12 children and not have to stop with one. Have a little compassion.

□ 1100

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this bill is not a serious attempt to save babies. It is a cynical attempt to make political points. Do you know what? There is a dirty little secret about this bill that is starting to get out, and that secret is that this bill does not outlaw late-term abortions. Let me repeat that.

Under this bill, late-term abortions under Federal law, will still be perfectly legal. Why do I say that? Very simply, because this bill only outlaws one late-term abortion procedure, while allowing all others to remain perfectly legal. For 8 years, I have asked on this floor the supporters of this bill to explain why they did not want to put in this bill an outlaw of all late-term abortion procedures like I helped do in the Texas legislature 13 years ago.

I think probably the honest answer to that was given by Ralph Reed a number of years ago when he said, ''the partial-birth abortion bill is a silver political bullet.'' And I think the people in America who should truly be upset about this bill and the effort to pass it for 8 years, are not just the pro-choice people. It should be the genuine, decent pro-life people who in their own heart have been misled to believe that

this bill would actually outlaw late-term abortions. It does not. And that is a dirty little secret that is starting to get out, even in the pro-life community.

In fact, let us go to a statement made just 2 weeks ago by Randall Terry, who is the founder of Operation Rescue, an ardently pro-life organization. This is what Mr. Terry, a pro-life citizen, said, ''This bill, if it becomes law, may not save one child's life.''

Yes, Mr. Speaker, the dirty little secret is getting out. There is another little secret that is getting out about this bill, and that is that it is absolutely, patently unconstitutional. So those who have pushed this bill have pushed a false promise on their pro-life constituents.

Why is it unconstitutional? It is as clear as the Supreme Court can say. When it puts a decision in italics, I think it is trying to make it a very clear point to those who would read it; but for those who cannot understand it, let me read Justice O'Conner's statement from the Stenberg v. Carhart decision in 2000, which outlawed a bill almost exactly like this.

''States may substantially regulate and even prescribe abortion, but any such regulation or prescription must,'' not maybe, ''must contain an exception for instances,'' and this was in italics, ''where it is necessary, in appropriate medical judgment, for the preservation of life or health of the mother.''

Well, guess what, unlike the constitutional bill I passed in the Texas legislature 17 years ago abolishing all late-term abortion procedures, but constitutional because we had a health exception, this bill refuses to have a health exception, even when the mother's health is at risk.

This bill is a false promise. It will harm good decent women in this country, and it should be defeated.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of the rule and I urge my colleagues to again support the Partial-Birth Abortion Ban Act of 2003.

I am pleased to stand here today on the brink of passage of this critical piece of legislation. In doing so, we reaffirm that partial-birth abortion is a heinous and unnecessary procedure that has already claimed the lives of too many innocent preborn victims.

We already know in statements, such as those of former Surgeon General C. Everett Koop, that a ''partial-birth abortion is never medically necessary to protect a mother's health.'' Why then, Mr. Speaker, is there any question at all that this procedure needs to be banned?

We must stop victimizing the women and children of America through partial-birth abortion.

Mr. Speaker, the insanity of legalized murder will end with the passage of this long-awaited law. I urge my colleagues to support the rule and pass the partial-birth abortion ban.

Ms. SLAUGHTER. Mr. Speaker, does the gentlewoman from North Carolina (Mrs. MYRICK) have any further speakers?

Mrs. MYRICK. Mr. Speaker, I have about five more speakers.

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

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in support of what is perhaps one of the most significant pieces of legislation that this House will ever consider. Why so significant? Because this bill will save lives. But even more than that, more than saving lives, it would save the lives of innocent children. And that is why I support the passage on the ban of partial-birth abortion.

This procedure, as some would like to call it, is a cruel, unusual, heinous, inhumane way of murdering our children.

As we pass this bill today, we will be doing so with the support of the American public. We will be doing so with the support of the people back in my State of New Jersey and with some 30 other States as well, who have tried as well to ban this heinous conduct. And the reason why they are supporting us in this endeavor is because they know we must save the lives of this and future generations of the American family.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I would like to commend the gentleman from Ohio for introducing this legislation and for his leadership on this, and I want to thank God today that we will finally pass, and send to a President who will sign it, a bill banning a barbaric, brutal procedure for killing unborn babies.

It seems to me having a legal ban on partial-birth abortion just strikes me as a minimal sort of threshold level indication of human decency for our society. To take an unborn baby, induce a partial delivery, kill the baby, then pull it out and discard it, demonstrates such a wanton contempt for human life, it really should be chilling for all of us.

This bill establishes what I see as at least a minimal level of respect for human life; but, frankly, we have got a long way to go. I would like to address the Roe v. Wade decision which has come up repeatedly. I think we just need to speak candidly about this decision, Mr. Speaker.

The fact is it is a terrible decision that has resulted in the deaths of millions of unborn babies. But even if the immorality of the decision does not move someone, I would think the contempt for the Constitution that it demonstrates ought to. Because let us face it, you can read the Constitution. It is written in English, and it is very clear. The Constitution does not guarantee a right to have abortions. A few Supreme Court Justices on the other hand, decided that they would rather be legislators than Justices and so they invented this right. They wrote it in a decision. And unfortunately, as unaccountable legislators, it is now the law of the land. But that is what it is. It is a terrible misreading of the Constitution.

I commend the conferees for striking the reaffirmation of Roe v. Wade from the bill that was passed in the other body. I commend them for bringing this bill to the floor today, and I urge my colleagues to support the rule and to support this conference report.

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

Mrs. MYRICK. Mr. Speaker, I yield 2½ minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, no matter where we stand on the issue of abortion, most Americans agree the brutal and horrific practice of partial-birth abortion in this country must end. I have even had some of the hard-shell pro-death, pro-abortion come up to me in saying that this horrific action ends. They even think it is bad.

In previous Congresses, legislation to ban partial-birth abortion has been thwarted by Presidential veto. This year our President, President Bush, will sign this bill into law, making it the first abortion-limiting law on the books since Roe v. Wade was enacted.

This is truly an historic moment and a milestone for the rights of the unborn. This is also an historic time for this Congress. We have listened to the will of our constituents, and we heard them loud and clear. They demand a ban on partial-birth abortion. According to a recent poll conducted earlier this year, 70 percent, 70 percent of Americans favor a law that would make this procedure illegal, except in the case necessary to save the life of the mother.

The outrage over this grotesque practice is nothing new. The American Medical Association has said the partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. It degrades the medical practice and cheapens the value of life.

As a husband and father of four beautiful children, I have a deep respect for the sanctity of life and the miracle of childbirth. I have been at every one of my children's births. Recently, I had a child 8 months ago, and to think that if you could have stopped that head before it came out, but if it slips out you could not kill the child, but to stop the head but to stick a pair of scissors in the back of the skull, suck the brains out and deliver it dead is unimaginable and should not happen in the United States of America or anywhere else in the world.

There is no place in a civilized society for this horrific practice. Today we

take solace in the fact that the nightmare of partial-birth abortion will soon end. I urge my colleagues to vote in favor of this rule and conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to the rule and to the underlying bill.

Let us make it clear, the conference report and the bill before us will not prohibit any abortions. Alternative bills which would have outlawed late-term abortions have been rejected by the majority. This bill will not prevent any abortions.

The bill will prohibit a procedure. The abortion can still take place using another procedure, and I am not going to inflame the debate by describing in explicit detail the alternative procedures that may be used.

But I will point out that Nebraska had a law banning the so-called partial-birth abortion procedure. Three years ago the United States Supreme Court held that that law was unconstitutional. The Supreme Court said five times in its majority opinion and other times in concurring opinions, that in order to make a partial-birth abortion ban constitutional, the law must contain a health exception to allow the procedure where it is necessary in appropriate medical judgment for the preservation of life or health of the mother. That is what five Supreme Court Justices said is necessary to make the bill constitutional. All five are still on the Supreme Court.

In that case the Court said, The question before us is whether Nebraska's statute making criminal the performance of a partial-birth abortion violates the Federal Constitution. We conclude it does for at least two independent reasons.

They went on to say that the first reason was that it lacks the exception for the preservation of the health of the mother. The Court said, ''Subsequent to viability, the State may, if it chooses, regulate or even prescribe abortion,'' and then they put this in italics, ''except where as necessary in appropriate medical judgment for the preservation of life or health of the mother.''

It goes on to say that the governing standard requires an exception, now listen up, because now they put it in quotes, ''where it is necessary in the appropriate medical judgment, for the preservation of the life or health of the mother.''

The Court continues talking about the health exception by saying that ''our cases have repeatedly invalidated statutes that in the process of regulating the methods of abortion impose significant health risks.'' They make it clear that risking a woman's health is the same, whether it happens to arise from regulating a particular method of abortion or from barring abortion entirely.

Just in case we did not get it, the Court said again, ''By no means must the State grant physicians unfettered discretion in their selection of abortion methods. But where substantial medical authority supports the proposition that banning a particular abortion procedure could endanger a woman's health, Casey requires that the statute include a health exception where the procedure is 'necessary in the appropriate medical judgment for the preservation of life or health of the mother.' ''

Now, the record clearly reflects that there is substantial medical authority supporting the use in some cases of this procedure.

Mr. Speaker, whatever our views are on the underlying issue of abortion, we ought to read the decision and apply the law.

Mr. Speaker, whatever our views are on the underlying issue of abortion, we ought to read the decision and apply the law. The Supreme Court in one decision said at least five times that the health exception must be included for the statute to be constitutional.

□ 1115

Furthermore, they put the exact phrase to be used, ''necessary, in appropriate medical judgment, for the preservation of the life or the health of the mother,'' in plain text, in italics and in quotations.

Here we have a bill without the health exception. It is clearly unconstitutional, and we ought to reject the rule and the bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding time to me; and Mr. Speaker, let me just say in regard to some of the comments that the gentleman from Virginia just made in regard to this ban on partial-birth abortion only eliminating one method of a late-term abortion, and he said he would not describe some of the other procedures of late-term abortion, and I wish maybe he had because I, as a physician, as an OB/GYN physician, do not know of any other procedures, late-term procedures that would result in the death of a child at this stage of pregnancy, and we are talking about infants, that are well past the point of viability.

We are talking about, in some instances, 4½-, 5-pound babies, that that pregnancy cannot be terminated, and resulting in a dead baby without doing a destructive procedure known as partial-birth abortion. It literally is the only option left for a woman who wants to choose death for her child in the third trimester. If you do a cesarean section, you have got the problem of delivering a live child. If you induce labor, you have the problem of having a live child, and that problem means that you cannot perform an abortion.

This is what it is all about, and the gentleman from Texas on the other side spoke a few minutes ago about the dirty little secret, the dirty little secret of this not banning late-term abortion. It certainly does when we eliminate this abhorrent procedure known as partial-birth abortion.

This question that keeps coming up about the health exception, how in the world could anybody consider that it would be a healthy thing to put a mother through this kind of procedure in the third trimester. It is not healthy. It is totally unhealthy. It is a complete farce.

I urge the adoption of the rule, and let us get on and pass this ban. It is time.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time is left on either side.

The SPEAKER pro tempore (Mr. ISAKSON). The gentlewoman from New York (Ms. SLAUGHTER) has 2½ minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 8¼ minutes remaining and has the right to close.

Ms. SLAUGHTER. Mr. Speaker, do I understand the gentlewoman has no more speakers?

Mrs. MYRICK. I just have one more speaker.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me the time.

Mr. Speaker, let me just make this very clear. The other side cannot have it both ways. The gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. EDWARDS) argue that this legislation will not stop a single abortion, while the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from the District of Columbia (Ms. NORTON) took to the floor and argued that it would ban all abortions after 12 weeks. They cannot have it both ways.

Let us be very clear. Let us have intellectual honesty in this debate. We are trying to proscribe a horrific procedure wherein a baby who is partially born, only to have his or her brain jabbed with a scissors or some other sharp instrument and his or her brains are sucked out, thereby killing that child. This was invented by the abortion industry as a way of precluding what they considered a ''dreaded complication,'' that is, late-term abortions where babies actually survive and go on to be adopted in many cases.

There have been many instances where babies survive an hour, 2 hours or longer. Some survive and are adopted, having survived later-term abortions. Partial birth abortion ensures that there is no survivor. They set out to kill the baby. The abortionist succeeds in his task.

Let me also point out that the gentlewoman from New York (Ms. SLAUGHTER), my good friend, argued that partial-birth abortions are performed on

disabled children. First of all, I resent the fact that somebody would suggest that a disabled child ought to be executed in this fashion. The Americans with Disability Act and all the other disability legislation finally brought us to the point where we recognized disabled people as just as human, just as alive, just as entitled to the best possible life imaginable as everyone else. To say that somehow the disabled ought to have this method reserved for them because, of course, they are disabled, I think, is unconscionable.

Let me also say, Ron FitzSimmons from the Abortion lobby made it very clear Pro-Abortion side ''lied through our teeth'' about for whom this method was intended. It is intended for later-term, second-trimester and third-trimester abortions. They lied through their teeth about who it was these were performed on. And how often they are performed.

Most of the kids who are killed with partial-birth abortion methods are perfectly healthy, perfectly normal, and those kids, like their disabled brothers and sisters, should not be executed in this terrible way or in any other way.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of our time.

First, let me say that no one is advocating the killing of disabled children. That is offensive to all of us. The fact is that a fetus that is being born with no brain or one with no lungs is one that will not live. I believe even the OB/GYN would admit to that.

Let me then go on to say that this decision to terminate a pregnancy in the late term is an agonizing decision. Parents who have carried a child to late term desperately want that child. In many cases, they have already named that child. Listen to the story of Viki Wilson and her family.

She told in her own words: ''In the spring of 1994, I was pregnant and expecting Abigail, my third child. My husband, Bill, an emergency room physician, had delivered our other children, and would do it again this time. At 36 weeks of pregnancy, however, all of our dreams and happy expectations came crashing down around us. My doctor ordered an ultrasound that detected what all of my previous prenatal testing had failed to detect, an encephalocoele. Approximately two-thirds of my daughter's brain had formed outside her skull. What I thought were big, healthy, strong baby movements were in fact seizures.

''My doctor sent me to several specialists, including a perinatologist,'' I am sorry, I am so upset about this I can hardly speak, ''a pediatric radiologist and a geneticist, in a desperate attempt to find a way to save her. But everyone agreed, she would not survive outside my body. They also feared that as the pregnancy progressed, before I went into labor, she would probably die from the increased compression in her brain.

''Our doctors explained our options, which included labor and delivery, C-section, or termination of pregnancy. Because of the size of her anomaly, the doctors feared that my uterus might rupture in the birthing process, possibly rendering me sterile. The doctors also recommended against a C-section, because they could not justify the risks to my health when there was not hope of saving Abigail.'' No hope of saving Abigail.

''We agonized over our options. Both Bill and I are medical professionals. I am a registered nurse, and Bill is a physician. So we understood the medical risks inherent in each of our options. After discussing our situation extensively and reflecting on our options, we made the difficult decision to undergo an intact D&E.

''Losing Abigail was the hardest thing that ever happened to us in our lives, but I am grateful,'' I am grateful, ''that Bill and I were able to make this decision ourselves and that we were given all of our medical options. There will be families in the future faced with this tragedy. Please allow us to have access to the medical procedures we need. Do not complicate the tragedies we already face.''

Oppose this bill.

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

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

We have had a lot of debate this morning on this issue, and we will have a lot more debate on this issue as we go through the actual bill and not just the rule; and I hope the American people can see what we are talking about. I still find it very hard to believe as a mother, a grandmother, and a great-grandmother that anybody could allow this horrific procedure to happen to their child.

So I urge my colleagues to vote in favor of the rule and to vote in favor of the underlying legislation so it can finally be passed into law and signed by our President.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 383, I call up the conference report accompanying the Senate bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 383, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 30, 2003 at page H 8991.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3, the conference report currently under consideration.

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

There was no objection.

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

Mr. Speaker, the Partial-Birth Abortion Ban Act of 2003 would prohibit the gruesome and inhumane procedure known as partial-birth abortion that unfortunately we are now all too familiar with. An abortionist who violates this ban would be subject to fines, a maximum of 2 years imprisonment, or both. This ban includes an exception for those situations in which a partial-birth abortion is deemed necessary to save the life of the mother.

After two Presidential vetoes, this ban will finally become law and the performance of this barbaric procedure will come to an end. I am pleased to bring this conference report, which is the product of a House and Senate conference meeting held earlier this week, before the House. This bill, nearly identical to this conference report, passed the House of Representatives this summer by a 282 to 139 vote, and language identical to H.R. 760 passed the House last year by a 274 to 151 vote.

A partial-birth abortion is an unsafe procedure that is never medically necessary and should be prohibited. Contrary to the claims of partial-birth abortion advocates, this brutal procedure remains an untested, unproven, and potentially dangerous procedure that has never been embraced by the medical profession. As a result, the United States Congress, after receiving and reviewing extensive evidence, voted to ban partial-birth abortions during the 104th, 105th, and 106th Congress, and at least 27 States enacted bans on this procedure. Unfortunately, the two Federal bans that reached President Clinton's desk were promptly vetoed.

In June 2000, the United States Supreme Court struck down Nebraska's partial-birth abortion ban, which was similar, but not identical, to bans previously passed by Congress. In Stenberg v. Carhart, the court concluded that Nebraska's ban did not clearly distinguish the prohibited procedure from other more commonly performed second-trimester abortion procedures. The court also held, on the basis of the highly disputed factual findings of the district court, that the law was required to include an exception for partial-birth abortions deemed necessary to preserve the health of a woman.

The conference report's new definition of a partial-birth abortion addresses the court's first concern by more clearly defining the prohibited procedure than the statute at issue in Stenberg. The conference report also addresses the court's second objection to the Nebraska law by including extensive congressional findings, based upon medical evidence received in a series of legislative hearings, that, contrary to the factual findings of the district court in Stenberg, partial-birth abortion is never medically necessary to preserve a woman's health, poses serious risk to a woman's health, and, in fact, is below the requisite standard of medical care.

□ 1130

The conference report's lack of a health exception is based upon Congress' factual determination that partial birth abortion is a dangerous procedure that does not serve the health of any woman. The Supreme Court has a long history, particularly in the area of civil rights, of deferring to Congress' factual conclusions. In doing so, the Court has recognized that Congress' institutional structure makes it better suited than the Judiciary to assess facts based upon which it will make policy determinations. Indeed, the Supreme Court has recognized that, as an institution, ''Congress is far better equipped than the Judiciary to amass and evaluate vast amounts of data bearing upon complex issues.'' As Justice Rehnquist has stated, the Court must be ''particularly careful not to substitute its judgment of what is desirable for that of Congress or its own evaluation of evidence for a reasonable evaluation by the legislative branch.''

Thus, in Katzenback v. Morgan, while addressing section 4(e) of the Voting Rights Act of 1965, the Court deferred to Congress' factual determination that section 4(e) would assist the Puerto Rican community in gaining nondiscriminatory treatment in public services, stating, ''It is not for us to review the congressional resolution of the various issues it had before it to consider. Rather, it is enough that we are able to perceive a basis upon which the Congress might resolve the conflict as it did.''

Similarly, in Fullilove v. Klutznick, when reviewing the minority business enterprise provision of the Public Works Employment Act of 1977, the Court repeatedly cited and deferred to the legislative record the factual conclusions of Congress to uphold the provisions as an appropriate exercise of congressional authority.

The conference report's critics cite to Boerne v. Flores for support of their argument that the Court will strike this ban down. Yet Boerne addressed Congress' authority to determine the scope of rights protected by the Constitution, not the issue of whether Congress' factual determinations should be overruled by a court.

In Boerne, the Court explicitly confirmed that Congress' factual conclusion should be granted great weight, stating that it is for Congress in the first instance to determine whether and what legislation is needed to secure the guarantees of the 14th amendment and its conclusions are entitled to much deference, and that this judicial deference in most cases is based not on the state of the legislative record Congress compiles but on due regard for the decision of the body constitutionally appointed to decide.

Boerne does not stand for the proposition that Congress is bound to reach the same factual conclusions as the trial court did in Stenberg, particularly when Congress has reviewed extensive credible evidence, evidence that is more complete than the evidentiary record facing the Stenberg trial court, that directly contradicts the trial court's conclusions.

Substantial evidence presented and compiled at extensive congressional hearings, much of which was compiled after the District Court hearing in Stenberg and thus not included in the Stenberg trial record, demonstrates that a partial birth abortion is never necessary to preserve the health of a woman. The vast majority of partial birth abortions are performed on normal babies during normal pregnancies. Obstetricians who regularly treat patients suffering from serious medical complications during pregnancy or serious life-threatening fetal abnormalities utilize established, safe medical procedures, not the partial birth abortion procedure.

Previous bills that were nearly identical to this conference report enjoyed overwhelming support from Members of both parties precisely because of the barbaric nature of the procedure and the dangers it poses to women who undergo it. Implicitly approving such a brutal and inhumane procedure by choosing not to prohibit it will further coarsen society to the humanity of not only newborns but all vulnerable and innocent human life. Fortunately, we are only weeks if not days away from putting an end to partial birth abortions. I urge my colleagues to vote for this conference report.

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

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

Mr. Speaker, today we have a very bad combination: Members of Congress who want to play doctor and Members of Congress who want to play Supreme Court. When we put the two together, we have a description for some very bad medicine for the women of this country.

Today's vote is different from previous votes. Every Member of this House should understand that this is not a free vote. This legislation will become law unless we stop it. We cannot count on the Senate, we cannot count on the President, and remember that this President is trying to pack the Supreme Court with reactionary justices. If this bill becomes law, it will be the first time since Roe vs. Wade was decided that Congress will have acted to criminalize the constitutional right to choose.

No one should think it will end here. This is only the first, not the last, bill that people who want to turn back the clock will bring forward. If my colleagues do not believe that this bill is intended as a direct assault on Roe, they should ask themselves why was a nonbinding statement supporting the right to choose pursuant to Roe and opposing efforts to overturn it dropped from the bill in the conference committee? Do not be fooled. Do not listen to what they say. Look at what they are doing.

Although this bill is blatantly and facially unconstitutional, the Supreme Court's decision striking down an almost identical Nebraska statute was a close vote. This administration is determined to pack the Court with justices committed to eliminating the fundamental right to keep government out of the most personal decisions involving women's life and health. So even though this bill is blatantly unconstitutional according to the Supreme Court, one cannot count on the Supreme Court maintaining that view if the President succeeds in packing it with reactionaries, which is why this bill is before us.

We will not find the term ''partial birth abortion'' in any medical textbook. The authors of this legislation prefer the language of propaganda to the language of science.

For one thing, the rhetoric behind this bill is really a rhetoric aimed at late-term abortion, at fetuses that look like human beings, that are almost born; late-term fetuses, as people understand the term. The fact is, though, that if we want to ban late-term abortions, I do not think there will be many people in this Chamber who would oppose that. Forty-one States have done so against almost no opposition.

The Supreme Court has said that we have the power to ban abortions after viability. Most States have done so. If the horror that is to be addressed, the alleged horror that is to be addressed is as described, just put in a bill that says no abortions after fetal viability. Very few people would oppose it. It would pass, and that would take care of the problem. But that amendment was also defeated in conference because that is not the intent here.

One of the problems with this bill from a constitutional point of view is that the term is so vaguely defined that it could easily refer to various different procedures that are necessary in second trimester, not late term, but second trimester, pre-viability abortions, when there are certain health problems attendant on the pregnancy. This bill is intended to forbid that, too, and to chill doctors from performing certain techniques which may be the best from a health point of view in second trimester abortions lest they have

a prosecution under this bill, even though it is not clearly defined.

This bill reads as if the authors carefully studied the Supreme Court's decisions and then went out of their way to thumb their noses at 30 years of clear law. Unless the authors think that when the Court has made repeated and clear statements over 30 years of what the Constitution requires that the Court was just pulling our leg, this bill must be considered facially unconstitutional.

Outrageously, both from a substantive point of view and a constitutional point of view, there is no health exception. A partial birth abortion as defined would be prohibited even where necessary to preserve the health of the mother. That is just outrageous on its face. But, in addition to this, the Supreme Court has repeatedly said that we must have a health exception in a bill even with respect to post-viability abortions if that bill is going to be constitutional. We cannot prohibit abortions or abortion procedures necessary to save the life or health of the mother.

The exception for a woman's life in this bill is so narrow that it violates the Constitution and will place doctors in the position of trying to guess just how grave a danger to her life a pregnancy must pose to a woman before they can be confident that protecting her will not result in jail time.

I know that some of my colleagues do not like the clear requirements of the Constitution, but that is the law of the land, and no amount of rhetoric will change that. The drafters of this bill, as the distinguished chairman said a few minutes ago, say that the findings included in the bill, the findings that so-called partial birth abortions are never medically necessary, that these findings get around the constitutional requirement as established by the Supreme Court, that a medical procedure necessary to preserve the life or health of a woman cannot be denied. But Congress is not a doctor, and certainly Congress is not the doctor in a particular procedure performed on a particular woman. Only her doctor, who knows her medical condition, can decide what is medically necessary.

The Supreme Court has made clear that it is not interested in Congress' findings of fact, despite what the distinguished chairman said. Boerne and other cases, though they pay lip service to Congress' findings of fact, toss them out routinely. The Supreme Court will not ignore the significant body of medical opinion contradicting what the sponsors of the bill say.

Many supporters of this bill think all abortion is infanticide. They are entitled to their view, but it is not the mainstream view. This bill would foist this fringe belief on American women. This bill would criminalize abortions in the second trimester and turn doctors treating women with dangerously deformed fetuses, those that can never be born alive, into criminals.

We could prohibit post-viability abortions in situations in which a woman's life and health is not in jeopardy, but this bill does not do that. That is where the abortion itself would not put the woman's life or health in jeopardy. But that is not what this bill does. Forty-one States, as I said already, ban post-viability abortions. Almost nobody would oppose that bill. But that is not this bill.

Randall Terry, the founder of Operation Rescue, and one of the most radical opponents of a woman's right to choose, has called this bill a political scam and a public relations gold mine. He is right. The real purpose of this bill is not as we have been told, to save babies, but to save elections. Unfortunately, today, women's health takes a back seat to politics and political extremism.

Hopefully, the Constitution still serves as a bulwark against such efforts. Regrettably, we cannot be sure the current efforts to pack the courts will not succeed. We should all vote today as if women's lives depend on it. They do. And I hope this Chamber, this House will reject this bill, as it ought to.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this important issue.

It has been almost a decade since the gruesome practice of partial birth abortion escaped the shadowy corners of the abortion clinics and was revealed to the public. In the years that followed, we have seen an overwhelming majority of the American people, many in the medical community, and a bipartisan coalition of lawmakers at all levels of government push for an end to this barbaric procedure.

In fact, the first initiative in Congress to ban partial birth abortions started with a small group of us back in 1995. When I first learned that these horrific acts were occurring, I thought for sure that they would be outlawed at least by the time we celebrated the new millennium. Yet Presidential vetoes, confounding court decisions, and tenacious partial birth abortion advocates have maintained this particularly troubling form of abortion in this country.

We stand here today, having overcome many obstacles, with a strong bipartisan majority in the House ready to stop a procedure that is akin to infanticide, with a President willing to stand up for the culture of life in America, with constitutional legislation that should satisfy any unbiased and open-minded court.

Of course, we will still hear vocal protests on the floor today and in the courts once this bill becomes law. Contrary to the claims of partial birth abortion advocates, however, this barbaric procedure has never been embraced by the mainstream medical community and remains untested, unproven, and absolutely dangerous.

The most common assertion that a partial birth abortion is necessary to preserve the health of the mother is simply inconsistent with the overwhelming weight of authority. Virtually all evidence, including information we obtained at extensive legislative hearings, demonstrates that partial birth abortion is dangerous to women and is never medically necessary to preserve a woman's health. In fact, according to the American Medical Association, and I quote, ''There is no consensus among obstetricians about its use;'' and, ''It is not in the medical textbooks.''

□ 1145

Even Dr. Warren Hern, the author of the standard textbook on abortion procedures, has testified that he had ''very serious reservations about this procedure,'' and he would ''dispute any statement that this is the safest procedure to use.''

Those who continue to espouse the view that partial-birth abortion may be the most appropriate abortion procedure for some women in some circumstances have failed to identify such circumstances. Most in the mainstream medical community continue to view partial-birth abortion as nothing more than an experimental procedure, the safety and efficacy of which has never been confirmed. The American Association of American Physicians and Surgeons wrote to me earlier this year and stated ''partial-birth abortion has no medical indications. We can conceive of no circumstance in which it would be needed to save the life or preserve the health of a mother.'' Clearly, women deserve better than this.

Partial-birth abortion is also brutal and inhumane to the nearly-born infant. Virtually all of the infants subjected to this procedure are alive and feel excruciating pain. In fact, the infant's perception of painful stimuli at this stage of development is more intense than that of newborn infants and older children.

In testimony to the Senate Committee on the Judiciary, Brenda Pratt Schaefer, a registered nurse, captured the true horror of partial-birth abortion. Ms. Schaefer observed Dr. Martin Haskell, who first introduced this rogue procedure to the abortion community over 10 years ago, use the partial-birth abortion procedure on at least three different babies. Describing what she saw performed on a child who was 26½ weeks along, she testified, ''Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal, then delivered together the baby's body and the arms, everything but the head. The doctor kept the head right inside the uterus. The baby's little fingers were clasping and unclasping and his little

feet were kicking. Then the doctor stuck the scissors in the back of his head and the baby's arms jerked out like a startle reaction, like a flinch, like a baby does when he thinks he is going to fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Now the baby went completely limp. He cut the umbilical cord and delivered the placenta. He threw the baby in a pan along with the placenta and the instruments he had just used. I saw the baby move in the pan. I asked another nurse and she said it was just reflexes. That baby boy had the most perfect, angelic face I think I have ever seen in my life.'' That is what this nurse said when she saw this happen.

I ask my colleagues in the House to quickly approve our conference report so we may send this important legislation to the President. Every day that we delay is another day that an unborn baby boy suffers unconscionably. Every day that we delay is another day that a baby girl's life is brutally ended. Every day that we delay is another day that we continue to live this national tragedy.

Mr. NADLER. Mr. Speaker, I yield myself 1 minute to comment on some of what we just heard.

Mr. Speaker, the American Medical Women's Association, an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, states, ''We recognize this legislation is an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman.''

The American Public Health Association with 50,000 members from over 50 public health occupations writes the same. So to say it is universally recognized that there is no medical necessity for the procedures described in this bill or perhaps described in the imprecise definition of this bill is not correct.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise today in strong opposition to the conference report on partial-birth abortion. This legislation injects government into the private medical decisions made by a woman, her family, and her doctor; and in so doing, this bill violates a fundamental principle at the heart of the doctor-patient relationship, that the doctor in consultation with the patient and based on that patient's individual circumstances must choose the most appropriate method of care for the patient.

I would like to remind my colleagues that with a very small handful of exceptions, we are not trained physicians. We have no business interfering with a woman's medical privacy. Additionally, this bill is unconstitutional because it does not contain an exception to protect the health of the mother. Simple humanity alone should be sufficient to justify a health exception. But if my colleagues need more, the U.S. Supreme Court held in Stenberg v. Carhart that the Nebraska ban was unconstitutional because there was no health exception for the mother.

Mr. Speaker, why would we pass something that is already known to be unconstitutional? Simply put, this bill prevents doctors from doing their jobs and will prevent physicians from providing the best and safest care for their patients. I urge my colleagues to reject the conference report before us.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise today in support of the conference report on the partial-birth abortion ban. Every year thousands of women are subjected to this traumatic medical procedure. It is routinely used during the fifth and sixth months of pregnancy. I know it sounds horrendous, and it is horrendous because it kills the baby just seconds before he or she takes their first breath.

This congressional body must act now to preserve the future of the next generation and of their mothers, or this Nation will reap the horrible consequences of allowing partial-birth abortion to continue. Some opponents like to say that it is safe, that the procedure is safe, and they are wrong. They have not informed the public on the effects of this practice on women. Numerous medical practitioners and the AMA have testified in committee that partial-birth abortion is never medically necessary in any situation and is severely below the standard of good quality care. Partial-birth abortion seriously threatens a mother's health and her ability to carry her future children to term. I urge my colleagues to remember their duty and vote for the conference report.

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I think it is important that America understand what is going on here today. This is more about 30-second ads in the next political campaign than it is about what is right and wrong.

I was a member of the conference committee, and we offered to reach across the aisle and do something that I think we can all agree on, which is to say that late-term abortions should not be an elective procedure; and I actually strongly believe that. You should not have a late-term abortion unless there is some overwhelming need, either you are going to die or there is going to be a very serious health consequence if it is not done. Only then, if that is not the case, does the government have a right to step in.

I look at this bill and I see the findings are just not correct. To say that this is never medically necessary is simply not true.

Mr. Speaker, the Congressmen in the conference committee and here in the House talk about these circumstances as if they actually knew what was going on. As it turns out, I actually know Vicki Wilson personally. Her mother-in-law, Susie Wilson, and I served together on the board of supervisors, and I remember when Susie found out that her daughter-in-law's pregnancy had gone terribly wrong. It was in the eighth month. They found out that the child they hoped to have, they had picked a name already, Abigail, that the brains had formed completely outside the cranium. There was no way that they were going to have a healthy child. And so the question soon became how was Vicki going to survive this, number one; and, number two, survive it so she and her husband, Bill, who is also a doctor, might have a child. They wanted to have a daughter.

Susie Wilson called me and my colleague on the board, Dianne McKenna, throughout the 2 days that this procedure, which, by the way, is not called partial-birth in the medical terminology, was going on; and Susie stayed with her daughter-in-law throughout the procedure.

To say that a bunch of Congressmen know what is best for this family is really an insult to the American people, and especially to women. So American women, watch out, these Congressmen are wanting to decide whether you survive and have a chance to have another child, and really to make the most personal decision for you instead of you making it with your husband and doctor. I think it is wrong, and I hope that we turn this bill down.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I rise today with great anticipation that our Nation is nearing the end of a tragic chapter in our American history, one in which the most helpless among us are vulnerable to the most heinous crimes. I believe that, with the passage of the partial-birth abortion ban, we will look back and remember this day as the day that America began to find its way back to its conscience.

Today we will hear people talking about choice when they know this bill is not about choice. We will hear about them talk about abortion, and this bill is really not about abortion. This bill substantively is about one procedure, one procedure that is so painful to an unborn baby that even the most extreme proponent of abortion has to look at it and say it shocks even their conscience.

This bill is simply about preventing egregious and unnecessary pain to an unborn child. Or if Members want to pick a different nomenclature, a fetus.

While everyone is entitled to his or her own opinion, people are not entitled to their own facts. On partial-birth abortion, the facts are out. The facts are clear. Partial-birth abortion is

never really medically necessary. Partial-birth abortion is not a rare procedure. It happens many times, and it is not limited to mothers or babies who are in danger. It is performed on healthy women and healthy babies, and that is what the facts are.

The overwhelming testimony is that an unborn child experiences more pain at this particular juncture than it does even after it is born. This bill is not about having an abortion; it is about whether or not you can have a partial-birth abortion. Partial-birth abortion is repugnant to civilized society. Partial-birth abortion goes beyond abortion on demand. The baby involved is not unborn. This procedure is infanticide, and its cruelty stretches the limits of human decency.

This issue comes down to one simple question: Is there no limit, is there no amount of pain, is there no procedure that is so extreme that we can apply to this unborn child or this fetus that we are willing as a country to say that just goes too far?

Mr. Speaker, partial-birth abortion goes too far, and I hope we will pass this conference report.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in opposition to the conference report on S. 3, in opposition to the underlying bill, the so-called Partial-Birth Abortion Ban Act of 2003, and in strong opposition to passing legislation that endangers the health of women and violates the U.S. Constitution.

Make no mistake about it, S. 3 endangers the health and safety of women. If this bill is signed into law, Congress will take the extraordinary step of banning a medical procedure that many physicians have concluded is safe for women.

□ 1200

In fact, the American College of Obstetricians and Gynecologists concluded in their September, 2000, statement of policy that the procedure banned under S. 3 may be ''the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman.''

Congress should not second-guess the expertise of physicians. Likewise, Congress should not interfere with the doctor-patient relationship and limit the options available to women to protect their health. But this is exactly what the so-called Partial-Birth Abortion Ban Act of 2003 does. It endangers women's health by making a procedure that is the safest option for many women illegal and unavailable.

However, the Partial-Birth Abortion Ban Act does not stop at endangering a woman's health. This bill also blatantly violates the Constitution of the United States. In the Stenberg decision, the Supreme Court struck down a Nebraska statute that is practically identical to the legislation we are talking about today. The Supreme Court struck down the Nebraska statute as unconstitutional because it failed to contain a provision that would provide an exception to the ban when the procedure is necessary to preserve the life or the health of the woman.

Despite the Supreme Court's clear and explicit ruling that a law banning partial-birth abortion procedures must have an exception to protect the life or health of the mother, the drafters of S. 3 have refused to include the exception when the procedure is necessary to protect the health of the mother. By failing to include this health exception, the law is unconstitutional.

I oppose this conference report and urge my colleagues to do the same.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from Wisconsin for the opportunity to rise in support of this conference report. No fewer than 77 percent of the general public supports a ban on this horrible procedure known as partial-birth abortion. 77 percent. No fewer than 25 States have passed laws banning this procedure. Since 1995, this House has passed a ban on this procedure in every session, the 104th, the 105th, the 106th, the 107th; and now the 108th Congresses support this ban.

Our opponents tell us that this law would be unconstitutional. It is clear that the committee has addressed the concerns of the Stenberg court. It is clear that this is a gruesome procedure which should never be allowed in a civilized society. Today is the day we will finally complete our task. We are going to vote on the side of civilization and compassion.

I wonder where we would be headed if we would continue to be a society that allowed this type of gruesome procedure, but fortunately today we are going to win, and a lot of innocent babies are going to win. A lot of innocent women are going to win. We are getting the point across and certainly have gotten it across to the general public that partial-birth abortion crosses the line. Partial-birth abortion nears infanticide, as former Senator and the late Daniel Patrick Moynihan had stated.

I am proud to be a supporter of this bill. I am proud that this House has passed it consecutively and patiently redrawn it to make sure that it comports with the Constitution. I urge my colleagues to support this conference report. I commend the chairman of the Subcommittee on the Constitution and the chairman of the Committee on the Judiciary for supporting this. I urge a positive vote on the conference report.

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today in strong opposition to the so-called partial-birth abortion ban conference report. This legislation is dangerous and deceptive; it is politically driven and filled with mischaracterizations for the sole purpose of inflaming the abortion debate. I strongly urge my colleagues to defeat this report.

Everyone in this House knows that ''partial birth'' is a political term, not a medical term. It was invented as political rhetoric designed to erode the protections of Roe v. Wade. In fact, the bill that passed the House this Congress would apply to more than just a single abortion procedure, the intact D&E or the D&X procedure, to include prohibitions on abortions well before viability. It is clear that the bill opens up a slippery slope where its ultimate goal is to ban abortion entirely.

The partial-birth abortion ban is opposed by numerous medical and health organizations. Among them are the American College of Obstetricians and Gynecologists, the American Medical Women's Association and America Public Health Association, and the Medical Association of my State, California. All of these groups understand how the ban prevents women from receiving the level of medical care that would ensure their safety and their well-being. Most importantly, they recognize the fact that such medical care decisions must be left to the judgment of the physician and the woman.

We need to stop playing doctors here in this governmental institution. It is an intrusion into the woman's physical and mental health. No one on this floor is qualified to make that decision. The access to abortion is a constitutionally guaranteed protection. It is a private medical decision that should not be dictated by the Federal Government. I urge a strong ''no'' on this conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, this truly is a historic moment in the House. I want to commend the chairman and the subcommittee chairman for their leadership on this issue.

The subcommittee chairman spoke about Brenda Pratt Shafer who, in 1993, a nurse with 13 years' experience, was assigned to an abortion clinic by her nursing agency. She was, quote, very pro-choice at the time. We have heard her actual words as she describes the procedure, what she saw. Ms. Shafer never returned to that clinic after witnessing that partial-birth abortion.

Those in favor of this procedure believe that Roe v. Wade is sacrosanct, that we should leave this pressing moral question to the whims of the unelected judges across the street. This type of abortion, partial-birth abortion, is more like a legal technicality. The baby must be delivered feet first so that the doctor actually forces the head to stay in the birth canal. Otherwise, he would be born and actually breathe. Most people would call this murder. But right now it is just a technicality.

There is no excuse for this procedure in a civilized nation. I urge my colleagues to vote for this conference report.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair would ask the gentlewoman to remove the sticker.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think my words will speak to my commitment; and it is in support of the Immigrant Freedom Ride that is here on this campus asking for justice, as we ask today; and I want to thank the distinguished gentleman from New York for his leadership over the years on this issue, the constitutionality, if you will, of this issue.

Mr. Speaker, I have remarks that I will submit into the RECORD ably done by my staff member and doctoral candidate, Sophia King, but I think today it is important to chronicle the history of this because I know that my good friend and colleague who has been a leader on this, the gentleman from New York, knows that we have been almost 10 years of generating over and over this repetitive legislation, really defined by the Gingrich Congress of 1995.

The first time that I came to this Congress, I had the pleasure of serving on the Committee on the Judiciary with the Honorable Pat Schroeder; and we sat through a number of passionate statements by women who pleaded with the Committee on the Judiciary to not take the rights away from them, their families, their God and as well their physicians. Tragically, this Congress did not listen then; and we continue year after year after year not to listen.

I heard the passionate pleas of mothers who said, all I want to do is to procreate and to have a healthy child. We heard the testimony of physicians who articulated the fact that if that mother did not have the procedure so named partial-birth abortion, they would not be able to have the opportunity to give birth and to have a nurturing relationship with a child.

And, lo and behold, those who suggest that they will take the role of God and now indicate what doctors and family members and mothers and God have them to do, we have this abominable legislation again on the floor of the House with the real notion that this is not serious. Because if it was serious, it would be a provision that protected the health of the mother. That is not in there. If it was serious, they would listen to the American Medical Association, the American College of Obstetrics and Gynecologists.

Interestingly enough, my good friend previously on the floor indicts the Supreme Court that passed Roe v. Wade, and Roe v. Wade is good law of which they took out of the bill, the Senate language, he indicts the very Supreme Court that elected the President of the United States, or selected him. That is an interesting conflict from my good friends on the other side of the aisle.

I maintain that this is a frivolous piece of legislation; and if the States want to do it, Mr. Speaker, then let them do it. But how dare you put yourself, this body, in the seat or the place of a mother who has seen a tragedy occur that will eliminate her opportunity to procreate. How dare we do it. This should be voted down, and we should never see this travesty come again and never take up the Supreme Court and indict them when they elected the very person that serves in the White House today.

Mr. Speaker, I rise in opposition to the Partial Birth Abortion Ban Conference Report (S. 3). Once again this body is considering anti-choice legislation that is unconstitutional and dangerous to women's health. I oppose this legislation and will continue to oppose any attempt to criminalize a woman's constitutional right to choose.

Contrary to repeated anti-choice claims, this bill does not ban only one procedure. S. 3 is not constitutional and the public as well as the medical community does not support this legislation. A recent poll confirms that a solid majority of Americans (61 percent) opposes this legislation because it fails to protect women's health.

This legislation is not only unconstitutional but it is yet another attempt to ban so-called ''partial birth abortions.'' This is a non-medical term. The U.S. Supreme Court struck down a similar statute in Stenberg v. Carhart. The Court invalidated a Nebraska statute banning so-called ''partial birth abortions.'' So, this legislation is at odds with the court's ruling. In Roe v. Wade, the court held that women had a privacy interest in electing to have an abortion, based on the 5th and 14th Amendments' concept of personal liberty.

Despite the fact that the Supreme Court struck down legislation virtually identical to S. 3 in the year 2000, anti-choice Members of Congress continue to jeopardize women's health by promoting this legislation to advance their ultimate goal of eliminating a woman's right to choose altogether. The Supreme Court struck down legislation calling for a so-called ''Partial Birth Abortion Ban'' just two years ago. So-called ''partial-birth abortion'' would ban safe, pre-viability abortions in violation of a woman's right to choose.

This type of legislation ignores the Supreme Court's explicit directive that women's health must be of the utmost concern. The Supreme Court, during the twenty-nine years since it recognized the right to choose abortion, has consistently required that when a State restricts access to abortion, a woman's health must be the paramount consideration. Just two years ago, the Supreme Court stated unequivocally that every abortion restriction—including bans on so-called ''partial-birth abortion''—must contain a health exception that allows an abortion when ''necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.'' Carhart, 530 U.S. at 931.

Directly ignoring the Supreme Court's ruling, so-called ''Partial Birth Abortion Ban'' legislation does not allow an abortion necessary for a woman's health.

In Carhart, the Supreme Court rejected the argument made by this bill's sponsors that the legislation need not contain a health exception because intact dilation and extraction (''intact D&E'' or ''D&X'') is never necessary for a woman's health. The Supreme Court stated that a law that ''altogether forbids D&X creates a significant health risk,'' and therefore, is unconstitutional. Carhart, 530 U.S. at 938.

This bill would ban safe medical procedures, imposing an undue burden on women. The bill's sponsors use rhetoric about full-term fetuses, but this bill would ban abortions performed before a fetus is viable. Like the law before the Supreme Court in Carhart, ''even if the statue's basic aim is to ban dilation and extraction (D&X,) its language makes clear that it also covers a much broader category of procedures,'' and therefore, imposes an unconstitutional burden on women. Carhart, 530 U.S. at 939.

Even if such legislation banned only intact dilation and extraction (''intact D&E'' or ''D&X'') abortions, it would compromise women's health. Legislation that contends that D&X is unsafe is simply untrue. If is a safe method of abortion and is within the accepted standard for care. ACOG has concluded that D&X is a safe procedure and may be the safest option for some women. And the Supreme Court explained in Carhart that ''significant medical authority supports the proposition that in some circumstances, D&X would be the safest procedure.'' 530 U.S. at 932. Indeed, the Court concluded that ''a statute that altogether forbids D&X creates a significant health risk.'' Id. at 938.

The D&X abortion procedure offers a variety of safety advantages over other procedures. Compared to D&E abortions, D&X involves less risk of uterine performation or cervical laceration because the physician makes fewer passes into the uterus with sharp instruments. There is substantial medical evidence that D&X reduces the risk of retained fetal tissue, a complication that can cause maternal death or injury. The D&X procedure is a safer option that other procedures for women with particular health conditions. Finally, D&X procedures usually take less time than other abortion methods used at a comparable stage of pregnancy, which can have significant health advantages.

In fact, as the American College of Obstetricians and Gynecologists (ACOG) has concluded, D&X may be ''the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman.''

This ban would undermine a physician's ability to determine the best treatment for a patient. Physicians must be free to make clinical determinations, in accordance with medical standards of care.

Allowing physicians to exercise their medical judgement is not only good policy—it ia also the law. In Stenberg v. Carhart, 530 U.S. 914 (2000), the Supreme Court ruled that all abortion legislation must allow the physician to exercise reasonable medical judgment, even where medical opinions differ. The Court made clear that exceptions to an abortion ban cannot be limited to situations where the health risk is an ''abortion necessity,'' nor can the law require unanimity of medical opinion as to the need for a particular abortion method. Id. at 937.

Mr. Speaker, women and their families, along with their doctors, are better than politicians at making decisions about medical care. Congress should not take decisions about medical treatment out of the hands of doctors and families. I must oppose this attempt to disregard the Supreme Court's clear message in Stenberg v. Carhart. Abortion bans that fail to protect a woman's health by banning safe abortion methods are unconstitutional.

PROPOSED AMENDMENT FOR CONFERENCE COMMITTEE MEETING ON S. 3

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING ROE V. WADE.

(a) FINDINGS.—The Senate finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe v. Wade* (410 U.S. 113 (1973)); and

(2) the 1973 Supreme Court decision in *Roe v. Wade* established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the decision of the Supreme Court in *Roe v. Wade* (410 U.S. 113 (1973)) was appropriate and secures an important constitutional right; and

(2) such decision should not be overturned.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, first, I want to congratulate my colleague from Wisconsin, the chairman of the Committee on the Judiciary, for his leadership on this issue. This bill has been called an abomination, frivolous.

Let us quickly examine what a partial-birth abortion is. In a partial-birth abortion, the abortionist pulls a living baby, feet first, out of the womb and into the birth canal as we can see right here, except for the head, which the abortionist purposely keeps lodged just inside the cervix. The abortionist punctures the base of the baby's skull with a surgical instrument, like a long surgical scissor or a pointed hollow metal tube called a trocar. Then he inserts the catheter into the womb and removes the baby's brain with a powerful suction machine. This causes the skull to collapse, after which the abortionist completes the delivery of the now dead baby. That is what is occurring in America today. This is happening right now. This vote will stop this from happening. I urge all of us to pass this bill.

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

Mr. RYAN of Wisconsin. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I commend the gentleman from Wisconsin for bringing this diagram to the floor of the House so that we may be able to graphically see how a partial-birth abortion is performed. The difference between a partial-birth abortion, which this bill will ban, and first-degree murder is three inches. Three inches. That is why this bill is not a travesty. This bill is a serious attempt to get rid of a gruesome and barbaric procedure. Anyone who does not think this procedure is gruesome and barbaric ought to look at the diagram that the gentleman from Wisconsin has presented to the House.

Mr. RYAN of Wisconsin. I thank gentleman for his leadership. I urge all of my colleagues, Democrat and Republican, to vote for this and to save lives.

Mr. NADLER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. My colleagues, after commemorating the 30th anniversary of the Supreme Court's decision in Roe v. Wade just 9 months ago, we are reminded again that a woman's right to choose is never secure. In the debate today over so-called partial-birth abortion, do not ever forget this is about Roe v. Wade. We are here because supporters of this bill disagree with the Supreme Court.

Let us be clear. This is not about outlawing one method of abortion. It is about restricting access to safe medical procedures throughout an entire pregnancy. Ultimately, it is about the right of all women to choose. Proponents of this legislation want to overturn Roe v. Wade and Stenberg v. Carhart and go back to the days when women had no options, when they left the country or died in back alleys.

□ 1215

In reflecting on the long debate over this bill starting in 1995, I remember something that I heard Justice Sandra Day O'Connor say once. She said that she was drawn to the law because she saw the role it plays in shaping our society. ''I don't think law often leads society,'' she said. ''It really is a statement of society's beliefs in a way.''

The proponents of this bill and I would likely agree with Justice O'Connor, except I believe that Roe v. Wade continues to express our society's beliefs, and they do not.

Roe said that the decision to terminate a pregnancy is private and personal and should be made by a woman and her family and her clergy without undue interference from the Government. I and the American people still believe that, supporters of this bill do not. Roe and Stenberg said that a woman must never be forced to sacrifice her life or damage her health in order to bring a pregnancy to term. The woman's health must come first and be protected throughout her pregnancy. I and the American people still believe this, supporters of the bill do not.

And Roe and Stenberg said that determinations about viability and health risks must be made for each woman by her physician. A blanket Government decree about medicine is irresponsible and dangerous. I and the American people still believe that, supporters of the bill do not.

I urge my colleagues to not be fooled today by those who claim that sufficient changes have been made so that this bill agrees with the principles outlined in Roe and Stenberg. Make no mistake. The bill before us today still does not contain the health exception, which means it is still unconstitutional. It still bans abortion throughout pregnancy, which means it is still unconstitutional. Congress is wrong to pass this by ban, and the President would be wrong to sign it. Mr. Speaker, we believe that women matter. We believe that their health and lives are irreplaceable and worth protecting. That is why we oppose this ban. I urge my colleagues to respect the law of the land and support the values in Roe v. Wade and Stenberg v. Carhart. Leave decisions in the hands of families. Protect the health of women.

Mr. SENSENBRENNER. Mr. Speaker, the next two speakers on our side are medical doctors. We have heard a lot about people playing doctor here.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY), M.D.

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

Mr. Speaker let me just say this. What we are hearing from the opposition over and over again is that this is an attack on Roe v. Wade. It is not an attack on Roe. I will stand here and tell the Members that I think that January 22, 1973, will live on as a day in infamy, and I wish it had never happened, but this is not an attack on Roe v. Wade. This is an attack on one procedure, one abhorrent procedure called partial-birth abortion.

The other side wants to say that there is no medical terminology of ''partial-birth abortion.'' It is as much a medical terminology as to say taking somebody's appendix out or a gallbladder out is medical terminology. I do not know what euphemism they want to use for this procedure, but this is a partial-birth abortion. Someone said earlier that it is akin to infanticide. I am not a legal scholar, but to me it is infanticide because when one delivers that human outside the mother's womb, and it has a beating heart, it no longer is a fetus. It is an infant, and if they kill it at that point, and that is what partial-birth abortion is, then that is infanticide.

Vote for this conference report, both sides of the aisle.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding me this time and also for his leadership.

I rise today in very strong opposition to this conference report that would deny women their constitutionally protected rights, endanger women's health and criminalize safe medical practices. This is an attack on Roe v. Wade. Mr. Speaker, this conference report represents yet another victory in this President's very aggressive and very hostile antiwoman agenda, and like

provisions of another attack on our civil rights, in this instance the Patriot Act, it is dangerous and it is unconstitutional. That is why if and when this fatally flawed and dangerous conference report is signed into law, it will be challenged in court.

Pregnancy and childbirth are among the most intimate and the most personal experiences of a woman's life. Meddling in these intensely private affairs violates our Constitution. Our freedom to choose is every woman's fundamental right. This should be a medical decision made between a woman, her family, and her doctor and her clergy. Government has no right to interfere. This bill is outrageous. It is reckless and it is unconstitutional. This conference report should be defeated here. Otherwise, the Supreme Court will rule it unconstitutional. Roe v. Wade must be upheld. Let us not go down this slippery slope and try to unravel it in this very dangerous and deceitful way. I urge my colleagues to vote no on this conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BURGESS), M.D., for another medical opinion.

Mr. BURGESS. Mr. Speaker, I thank the Chairman for yielding me this time.

Mr. Speaker, I am a physician who has dedicated my life to the healthcare of women. I have delivered over 3,000 babies. The only reason to select the partial-birth abortion procedure is to ensure that a baby is dead when it is delivered. As a doctor, I recognize that serious complications can occur during the last trimester of pregnancy. However, if the mother's health dictates that the pregnancy must be concluded and a normal birth is not possible, the baby may be delivered by C-section. Whether the infant lives or dies in that scenario depends on the severity of the medical complications and the degree of prematurity, but that outcome is dictated by the disease process itself. The fate of the infant during this procedure, the partial-birth abortion procedure, is predetermined by the nature of the procedure performed and is uniformly fatal to the baby.

In 1995, a panel of 12 doctors representing the American Medical Association voted unanimously to recommend banning the partial-birth abortion procedure, calling it ''basically repulsive.'' I agree with the AMA. It is repulsive. It is unnecessary. And, fortunately, it will soon be illegal.

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

Mr. Speaker, we have heard repeatedly, including from the last speaker, that so-called partial-birth abortion is never a necessary procedure to save the life and health of the mother, but fact is the American College of Obstetricians and Gynecologists, and I am reading now from the committee report, minority views, ''the leading professional association of physicians who specialize in the health care of women, has concluded that the D & X'' procedure, which is one procedure described by partial-birth abortion, ''is a safe procedure and may be the safest option for some women. ACOG has explained that intact D & E, including D & X, is a minor, and often safer, variant of the 'traditional' nonintact D & E. ACOG has also stated that D & X 'may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman. Only the physician, in consultation with the patient and based on her circumstances, can make this decision.'''

That is why relying on this kind of medical evidence, ''the Supreme Court concluded in Stenberg that 'significant medical authority supports the proposition that in some circumstances D & X would be the safest procedure.' Indeed, the Court concluded that 'a statute that altogether forbids D & X creates a significant health risk.'''

So much for the so-called findings in this bill, the Supreme Court has already thrown them in the trash basket.

That is why, in addition to the American College of Obstetricians and Gynecologists, numerous other medical groups have publicly opposed attempts by Congress to pass this legislation, and among those which have labeled this legislation as injurious to women's health, and therefore they oppose it, are the American Public Health Association, the American Nurses Association, the American Medical Women's Association, the California Medical Association, the American College of Nurse Practitioners, the Association of Reproductive Health Professionals, the Association of Schools of Public Health, the National Association of Nurse Practitioners in Reproductive Health. And, finally, ''contrary to the claims of the sponsors of'' this bill, ''the American Medical Association does not support any criminal abortion ban legislation.''

So, Mr. Speaker, the Supreme Court has already said, in so many words, that any legislation that altogether forbids some of the kinds of procedures that would be described by this legislation creates a significant health risk for women, and, therefore, is unconstitutional.

Mr. Speaker, I said a moment ago that the arguments that this is never a medically necessary procedure are refuted by all the different medical groups that I named and by the specific findings of the Supreme Court in the Stenberg case. And all the nonsense about findings by Congress will not avail to make this bill constitutional against the finding by the Supreme Court. This is a Supreme Court that does not care that much about findings by Congress anyway, and that has said, in so many words, that a statute that altogether forbids D & X, one of the procedures that clearly would be outlawed by this bill, creates a significant health risk and an unconstitutional health risk.

So this bill is clearly unconstitutional. It is unconstitutional because it does not give people a right to do what the physician and the patient regard as the safest procedure to save the health and life of the mother, which the Supreme Court says they must do. But beyond that, this is clearly an assault on Roe v. Wade, whatever else anybody may say.

If it is not an assault on Roe, if it is not deliberately an assault, getting the nose under the camel's tent to try to ban all abortions, to try to say that women should not have the right to make this choice, to try to say that the men and women in this Chamber have more to say about a woman's health choice than she does herself, then why did the conferees, the members of the conference, remove the nonbinding language that said this did not attack Roe v. Wade? Because they were a little more honest. The Senate was a little more honest than the people in this House are being. They recognize this for what it is, an attack on Roe v. Wade, and, frankly, the majority Members of the House also wanted to remove that language, and they were honest the day before yesterday.

So, Mr. Speaker, the current Supreme Court clearly considers this unconstitutional. A future Supreme Court packed with reactionary appointees by the President might not. This puts at risk the right of women to choose. And the fundamental question here is, as it has always been, there are fundamentally different religious views about when life begins, about what is appropriate and what is not appropriate, and we are all entitled to our views, be they motivated by religion or moral fervor or whatever. What we are not entitled to do is to use the force of law to impose the religious views of some people on other people who do not agree with that and to say to a woman they must risk their life, they must risk their health because we do not think it is right for them to have an abortion. That is what this is about.

□ 1230

That is what this is about. The right to choose is the key right here, and this bill is a direct assault on that. Therefore, we ought to oppose it. It will be a sad day when this House passes this bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the distinguished majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I want to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for the work, long, long work that he has placed into this bill. The people of the United States owe the chairman a great debt; and more importantly, children owe the gentleman a great debt for his work on this issue.

Mr. Speaker, at the end of this long debate that actually began 10 years ago, the opponents of the Partial-Birth

Abortion Ban Act tell us that this bill will not save a single life. And I think we have to admit, it is a limited bill. After all, when we pass this bill, abortion will stay legal, its practitioners will remain in business, and heaven will still be crowded with America's invisible orphans. But its limitations are beside the point. Because like the children it protects, Mr. Speaker, the Partial-Birth Abortion Ban Act may be small, but not insignificant.

Make no mistake about it: our action today represents a big pivot in America's difficult answer to the abortion question. After a generation of bitter rhetoric, the American people have turned away from the divisive politics of abortion and embraced the inclusive politics of life.

Over the last 10 years, Americans on all sides of the abortion debate have learned about the partial-birth abortion procedure. They have recoiled at its barbarism and decided it has no place in a moral society. They have called on us to answer the muted cries of the innocent. Their message to us today and our message to the world is very simple: we can do better. For pregnant mothers, however desperate; for unborn children, however unwanted; and for our compassionate Nation, however divided. America can do better for them all, starting with the overdue prohibition on this cruel, dangerous, and medically unnecessary procedure.

But this, I say to my colleagues, is not a day of celebration. Passing this bill will be a victory, to be sure, but a victory for humanity, not just one side of this debate. It will be a victory for the democratic process, which the American people have engaged one heart at a time, not through the heat of public argument, but through the warmth of private conversation. And it will be a victory for a Nation of good and honest people who brought to this debate a thoroughly American respect for every opinion and for every life.

America can do better, Mr. Speaker, and by passing this bill today, at long last, we will.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to speak out loudly in opposition to the conference report on S. 3 and to urge my colleagues to vote against the report.

Once again, we have before us an unconstitutional and harmful bill. This bill would prevent doctors from being able to perform medically-necessary abortions. The government would prohibit doctors from acting to protect her patient's health, intruding into the doctor-patient relationship. The Supreme Court recognized this inequity and has already made such a law unconstitutional.

The leadership in this body insists that we ignore the Constitution and vote on this bill. Proponents of this bill refused to allow an exception for cases in which the mother's health was seriously at risk, and they refused to include language affirming the long-standing Supreme Court decision, Roe v. Wade.

Let's forget about the rhetoric we've been hearing from the proponents of this bill and talk about the truth. For us to be true to the Constitution, to be true to the sentiments of equality and freedom, women and must have control over their bodies. Instead, proponents of this bill, including the Bush Administration, are using this bill as part of a broader agenda to take away a women's Constitutionally guaranteed right to choose. This assault on a woman's right to control her body and her health must stop. I urge my colleagues to vote no on the Conference Report.

Mr. OBERSTAR. Mr. Speaker, this is a landmark day for those who, for more than 30 years, have worked to reduce the number of abortions performed in America. With today's vote on the Conference Report to accompany S. 3, The Partial-Birth Abortion Ban Act, we are finally closing in on the first statutory restriction on abortions—that is, other than appropriations restrictions—since the 1973 Supreme Court decision in Roe v. Wade.

I urge our colleagues in the other body to join the House in quickly passing the Conference Report and sending it to the President for signature.

This is also a good day for the legislative process, the art of compromise. Today we set aside our differences on various nuances of abortion and move by a decisive vote to ban a particular procedure, which—regardless of our differing views on the findings of Roe v. Wade—most of us find repugnant.

Because of what we do here today, there will be fewer abortions, more adoptions, and more healthy births in years to come in the United States. I take great comfort in that knowledge.

I am distressed, however, that so much of our legislative action the past 30 years in this body on the question of abortion has not had that result, but has instead polarized the views of those on both sides of the issue, while the number of abortions has continued to climb.

Today we take a step in the opposite direction. Instead of dividing, we have come together and have agreed that there should indeed be fewer abortions, at least with respect to this procedure. I sincerely hope that the comity we have achieved on partial birth will extend, in the future, to other aspects of the abortion issue.

Today I am proud of this body and proud of the process by which we serve our constituents.

Mr. BUYER. Mr. Speaker. I rise in support of this conference report to ban partial birth abortions. This is a good bill and a good day, though a long time in coming.

This measure bans a procedure in which a living fetus is partially delivered from the womb, and then destroyed prior to the completion of delivery. This is a particularly appalling procedure in which the difference between a complete birth and an abortion is a matter of a few inches in the birth canal.

There is an exception in the bill for instances in which the life of the mother is at risk and no other procedure will be sufficient to preserve the mother's life. Congress has conducted extensive hearings on this procedure. The medical evidence presented at these hearings indicates that a partial birth abortion is not necessary to preserve the health of the mother and is, in fact, dangerous to the mother. Partial birth abortion is ''not an accepted medical practice.'' This procedure offends most Americans who value the sanctity of life.

Partial birth abortion is a particularly cruel and inhuman procedure which should be banned. I urge the adoption of the conference report.

Mr. STARK. Mr. Speaker, I rise in strong opposition to this deceptive and dangerous conference report S. 3, brought to the floor today to ban what anti-choice lawmakers claim to be the so-called ''partial-birth'' abortion procedure. There is no medical procedure called a ''partial birth'' abortion. It is a political term, not a medical one. That is why what's happening today is so dangerous.

If this bill becomes law, it will be the first time since Roe v. Wade that performing an abortion procedure will be deemed a criminal act. Even more alarming, it will be the first time in this nation's history, that Congress will have ever banned a particular medical procedure. Make no mistake about it, what this bill does is put Congress in the position of making life and death medical decisions appropriately left to physicians.

Instead of dealing with the more pressing issues of the day—like the 44 million people who lack health insurance in this country, the 9 million people without jobs, or bringing our troops safely home from the war in Iraq—we are instead debating a safe medical procedure that is used only in very rare instances when a doctor determines it is the only procedure that can best protect the life or health of the woman.

In 2000, the Supreme Court struck down a Nebraska abortion ban, identical to this bill, as unconstitutional in Stenberg v. Carhart. The court found that the law unconstitutionally burdened a woman's right to choose by banning safe abortion procedures; and it lacked the constitutionally required exception to protect women's health. Both these constitutional flaws remain the bill before us today. This bill still lacks any health exception and remains vague so that it may be used to ban other safe abortion procedures in the future.

Anti-choice lawmakers have made claims today that the majority of Americans are in favor of banning what they understand to be partial birth abortions. But, a recent ABC News poll, found that 61% of Americans were in fact opposed to this legislation when they are informed that it lacks a health exception for a woman.

The most telling argument in this debate comes from our nation's medical community. They oppose this legislation. The American Medical Association, the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association and the American Public Health Association all oppose this ban. They know full well that it will override their medical decision-making in an unprecedented and potentially life-threatening way.

I believe that a woman's right to choose is a private and very personal choice, and should continue to remain that way. Women's decisions about their reproductive health—especially when it comes to something as personal as abortion—should between a woman, her family and her physician—not the U.S. Congress.

I ask my colleagues to stand up for the privacy of women and oppose unwarranted interferences in their personal decisions. I also ask my colleagues to recognize that the vast majority of us in Congress have no medical training and are in no way qualified to choose among particular medical procedures. Doctors should be making medical determinations, not politicians. Vote no on this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in strong opposition to the so-called ''partial birth abortion'' legislation before us today.

Neither the Congress nor the courts should tell a woman how to manage her health or reproductive care. Unfortunately, what should be a private matter between a woman and her doctor has become a political football.

Doctors, not politicians, should decide which surgical procedures are appropriate when a woman's health is in jeopardy. The anti-choice proponents of the bill have used highly misleading statements to cloak the true purpose of this bill—which is to scare doctors and deny women the right to choose a safe and legal abortion.

Here are the facts:

The bill does not ban only one procedure. ''Partial-birth'' is a political term, not a medical term. These bans are designed to inflame the abortion debate through heated, graphic rhetoric. In describing what is banned, the bill does not reference a recognized, established medical procedure. It does not exclude other procedures. In fact, the bill's language is deliberately vague, banning safe and common procedures.

The bill is not a ''late term'' abortion ban. Because the bill lacks any mention of fetal viability, it would ban abortions throughout pregnancy. In Roe v. Wade and its companion case, Doe v. Bolton, the Supreme Court held that a woman has the right to choose legal abortion until viability. The Court said that states may ban abortion after that time, as long as exceptions are made to protect a woman's life or her health. In fact, 41 states have laws that address post-viability abortions. The legislation now before Congress is designed, in part, to deceive lawmakers and the American public about when abortions occur. Don't be fooled.

The bill is not constitutional. In 2000, the Supreme Court found Nebraska's so called ''partial birth'' abortion ban unconstitutional in Carhart v. Stenberg. The Court found that: (1) the law unconstitutionally burdened a woman's right to choose by banning safe abortion procedures; and (2) it lacked the constitutionally required exception to protect women's health. These flaws are present in the bill now before Congress. The bill still lacks any health exception, and its deliberately vague language still bans more than one procedure.

These bans are not supported by the medical community. Contrary to repeated anti-choice claims, the American Medical Association does not support this legislation. Furthermore, respected health organizations such as the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association and the American Public Health Association oppose these bans.

I urge my colleagues to reject this bill that turns back the clock on womens' rights in this country.

Mr. VITTER. Mr. Speaker, today the House of Representatives is set to vote on the conference report on S. 3, the Partial-Birth Abortion Ban Act. After a number of years and several attempts, the best chance for success in finally outlawing this gruesome procedure is here before us today.

I believe abortion has no place in our society. Partial-birth abortion is a procedure clearly beyond the pale. Even the medical community has said that this procedure is, in fact, never medically necessary. For all of the rhetoric from the other side about doctors and health care, we should listen to that medical bottom line and today ban this horrific procedure. Those who have seen it firsthand, those who understand it and have researched it, know that we are talking about something so close to infanticide.

This conference report before us respects what the Supreme Court has told Congress about past bans, and we have worked to address their concerns in the best and most thorough manner. This conference report is constitutional, well-thought out, and has tremendous support nationwide.

I strongly support this conference report and urge my colleagues to do so as well. Furthermore, I am happy to say that for the first time since Roe v. Wade passed, some 30 years ago, a restriction on abortion is finally going to be put into place.

I would like to express my appreciation to the many grassroots organizations who worked so hard on this issue for years, to fellow members of Congress who diligently kept working on a resolution, and to President Bush for his support of this legislation and his promotion of life.

Mrs. CUBIN. Mr. Speaker, ''We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are life . . .'' The Declaration of Independence tells us this.

We are created—life is created and the womb is where that miracle of life develops. Biology tells us this.

It is immoral and illegal, in America, to deliver a baby for the sole purpose of taking this child's life, under the guise of a medical procedure. The legislation at hand tells us this.

We fight wars in the name of protecting human rights. We serve with human rights organizations all over this world, standing up for those who can't defend themselves and for those who are robbed of what many of us take for granted. It should be no different here today, with this very issue.

So we are not here to talk about reproductive choices. We are here to talk about preserving human life and protecting the most defenseless among us from suffering a barbaric death.

Human life should never be taken in the name of mere convenience—to do so is among the grossest of human rights violations. That is why partial-birth abortions should be banned. It is long overdue.

I support the rule, I support the conference report and I look forward to the day it is signed into law to protect the lives of the most helpless victims of violence in our country—our children.

Mrs. TAUSCHER. Mr. Speaker, I am submitting this statement for the RECORD as a sign of my strong disapproval for what we are about to do. As a pro-choice, pro-child mother and Member of Congress, I believe that abortions should be safe, legal, and rare.

For more than a quarter-century, the Supreme Court has drawn a clear line on this issue.

As Americans and lawmakers, we are bound by the Constitution—and we must realize that an all-out ban on late-term abortions fails to meet the ''life and health of the mother'' standard the Supreme Court established in Roe and upheld in both Casey and Webster. The bill we have before us today does not take into consideration the health of the mother. The Supreme Court has found similar laws unconstitutional and will do the same with this one.

If the bill banned all late-term abortions, but allowed for the constitutionally required exception when it would be necessary to save the mother's life or avert serious health consequences, then I would support it.

The anti-women's health majority that continues to push this legislation is putting their own convoluted political agenda above the health concerns of women and above the law. The choice whether or not to have an abortion is a private and personal decision. It should be made between a woman, her family, her doctor, and her God. The federal government has no business interfering.

I strongly object to this bill and urge all of my colleagues to vote ''no'' and defeat it.

Mr. GRAVES. Mr. Speaker, I come to the floor today to speak in support of the Partial Birth Abortion Ban. I support this legislation because I support life. I believe that life begins at conception and I will continue fighting to protect our unborn children.

Partial birth abortions are wrong. Under Federal law ''live birth'' occurs when a baby is expelled from the mother. During a partial birth abortion the baby is pulled out feet first until the head is the only part in the mother's body, then the baby is brutally murdered. Most partial birth abortions occur in the second trimester, when the child will actually gasp for air when removed from their mother.

As a father of three I support all pro-life measures. I understand how precious and beautiful life is, and I am dedicated to protect life at all stages of development. All children should be welcomed in life and protected by law, and as long as I am in a position to fight, I will continue to fight for life.

Mr. TERRY. Mr. Speaker, I rise in strong support of the conference report for the Partial Birth Abortion Ban Act of 2003 (H.R. 760/S. 3).

I am proud to support the effective compromise that has been reached on behalf of thousands of women and children in our nation. Enacting this legislation has been a long, hard road for many dedicated Members of Congress and concerned citizens across America. I commend Chairman CHABOT for his tireless efforts to debate and pass this legislation, and President Bush for his commitment to sign it into law to protect human life.

The grisly facts of the partial-birth abortion procedure are well known. Suffice it to say that the life and value of a child should not hinge on 3 inches—the 3 inches before a child takes its first breath or before a child meets the abortionist's knife. Partial-birth abortion has visited untold horror upon thousands of women and children since its inception. It would be impossible to count the physical and emotional cost of this procedure for the women who have experienced it, much less the little children who are killed before they have a chance at life.

One such experience merits recounting because of its undeniable message for the protection of human life. In 1993, a nurse practitioner named Brenda Pratt Shafer was working in an abortion clinic. She was a pro-choice nurse who quit her job the day after she witnessed a partial-birth abortion. She told Members of Congress that ''what I saw is branded

forever on my mind . . . the woman wanted to see her baby [after the procedure], so they cleaned up the baby and put it in a blanket and handed the baby to her. She cried the whole time, and she kept saying, 'I'm so sorry, please forgive me!' I was crying too. I couldn't take it. The baby boy had the most perfect, angelic face I have ever seen.'' Her testimony stands as a powerful witness for every Member of Congress to vote to ban this procedure in our nation.

Another significant testimony comes from a doctor who was asked to care for a baby who had undergone a partial-birth abortion and was still breathing. Dr. Hanes Swingle wrote his eyewitness account for the Washington Times: ''I admitted this slightly premature infant [to the Neonatal Intensive Care Unit]. His head was collapsed in on itself . . . I did my exam (no other anomalies were noted) . . . then pronounced the baby dead about an hour later. Normally, when a child is about to die and the parents are not present, one of the staff holds the child. No one held this baby, a fact that I regret to this day. His mother's life was never at risk.'' Dr. Hanes concluded that partial-birth abortions must be banned ''simply because it is the right thing to do.''

Three years ago, the Supreme Court ruled 5 to 4 that my home state of Nebraska's ban on partial-birth abortion was unconstitutional. Justice Scalia wrote in his dissent that ''the notion that the Constitution prohibits the States from simply banning this visibly brutal means of eliminating our half-born posterity is quite simply absurd.'' Passage of the conference report today will clearly show that the Congress stands with Justice Scalia and the many other Americans who respect the sanctity of human life.

It amazes me that in the year 2003, the United States still permits this procedure—this act of death. The Alan Guttmacher Institute, the research arm of Planned Parenthood, reported this year that the number of partial-birth abortions performed in our nation tripled between the years 1996 and 2000. Estimates were that about 650 such abortions were performed in 1996, and now 2,200 are performed annually.

Former President Clinton shamed our nation and broke faith with women and children by twice vetoing the Partial-Birth Abortion Ban Act. I am proud that President Bush will reverse this record and uphold the promise of human life and dignity in America. I urge all of my colleagues to join him in this goal by voting for the conference report on the Partial-Birth Abortion Ban Act.

Mr. BLUMENAUER. Mr. Speaker, one of my fundamental principles is that government not interfere with the basic freedoms for individuals and their families. A basic freedom is the health of women, which necessarily includes reproductive health choices.

This legislation threatens that freedom by inappropriately intervening in the decision making of patients and their doctors. It goes beyond restricting the procedure. It ignores real needs of women and their families. This procedure has long been accepted and is at times the only practice available to protect a woman's life and her ability to safely have a healthy baby in the future.

Years ago when we first started debating this legislation, I was struck by real cases of real families that would be devastated by this amendment. Sadly, nothing has changed. Real families would still be devastated.

The broad language is likely to be used as a wedge in further eroding reproductive choices. No one can predict what this Supreme Court will do, let alone a future one. This language would fly in the face of a previous ruling against Nebraska's legislation and could be a vehicle for judicial reinterpretation which would further restrict reproductive freedom. This legislation is part of an insidious ongoing assault to erode reproductive freedoms and would perpetuate a trend, as shocking as it is unfortunate, of Congress imposing its theology on our citizens regardless of people's own strongly held beliefs and individual needs.

Earlier this Congress, because of the Republican leadership's theological clash with science, voted to make it illegal to use potentially life saving therapies to help with Alzheimer's- and Parkinson's-like degenerative and traumatic diseases leaving people crippled and dying. The vote was not just to deny scientific research here, but deny the benefits if developed anywhere else. They would make all our loved ones suffer in their zeal to make a point.

People who oppose abortion should not have one. Nothing would make me happier than for every woman to have the knowledge, well-being, medical care and luck so that there would never be a need for an abortion. Until such a day comes, it is wrong to prevent a woman's doctor from offering professional skills so that she and her family can determine the safest and most appropriate medical care.

Mr. SOUDER. Mr. Speaker, it has now been more than a decade since partial-birth abortion was first exposed for the horrific and violent act that it is. In that time, tens of thousands of healthy babies have been brutally killed as they exited the birth canal—just moments from their first breath.

Then, as now, the details of the partial-birth abortion procedure led to public outrage among the American people. The most recent poll on this issue found that 70 percent of the public favors the ban we will vote on today.

How can it be that it has taken more than 10 years to ban a procedure so many Americans find outright repugnant and immoral? Twice, Congress has passed similar legislation, only to be voted by the previous administration.

Today, I am grateful for the courageous stand of our current president, President George W. Bush, who, earlier this year in his State of the Union Address, called on Congress to pass the ban on partial-birth abortions. It is an honor to serve alongside this great president, and I look forward to his quick signature on this bill.

As we consider the partial-birth abortion ban conference report today, I'd like to address some of the misconceptions being circulated by those opposed to this bill.

Planned Parenthood, NARAL and others are claiming S. 3, The Partial Birth Abortion Ban Act, will ''halt safe, pre-viability abortions from occurring, which violates a woman's right to choose.'' This is simply false. S. 3 was crafted carefully to ensure its constitutionality. It addresses the concerns cited in the Supreme Court's Stenberg v. Carhart decision, which struck down Nebraska's ban on partial-birth abortion, that the definition of partial-birth abortion was too vague and could prohibit a common abortion procedure known as dilation and evacuation abortions. Today's bill corrects any potential for misinterpretation by specifically defining partial-birth abortion as:

> The person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus.

Secondly, some proponents of partial-birth abortion are advocating for a ''health'' of the mother exception in the bill. Such an exception is unnecessary, as the findings in the bill point out. The first section of S. 3 contains Congress's 14 factual findings that, based upon extensive medical evidence compiled during congressional hearings, a partial-birth abortion is never necessary to preserve the health of a woman. In fact, the highly regarded American Medical Association has said the procedure is ''not good medicine'' and is ''not medically indicated'' in any situation. A more narrow ''life of the mother'' exception is included in the bill, which would allow partial-birth abortions in cases where it is necessary to save the life of the mother.

As we vote on final passage of the Partial Birth Abortion Ban Act today, let us keep in mind the faces of the babies whose lives might be saved as a result of this bill. Many newspapers around the country have recently run stories about new 4-D ultrasound technology that is able to photograph very real-life pictures of the baby in the womb. Gracing the tops of the stories have been pictures of a perfectly formed baby in the womb with a smile on her face. The baby looks so different than it does just a short time later after its birth. Who could possibly look at these pictures and still support the killing of such beautiful babies by the violent death of scissors being stabbed in the baby's head?

The long-awaited passage of the Partial Birth Abortion Ban Act today is a historic event, the answer to much prayer, and the result of the work of thousands of heroes across this country. I thank my colleagues in the House, Congressman CHABOT, and Chairman SENSENBRENNER, for their dedication to passing this bill. I also thank our House Leadership for making this bill a priority for so many years. Finally, I urge my colleagues to support this conference report and end the reprehensible procedure known as partial-birth abortion.

Mr. MILLER of Florida. Mr. Speaker, I rise today in strong support of the Partial Birth Abortion Ban Act. I commend Mr. CHABOT and Sen. SANTORUM for introducing this important legislation, and the conferees for their leadership in protecting the life of the unborn.

As elected representatives, banning what is probably the most hideous medical procedures that could ever be performed may be one of the most important things we can do.

Mythical reports by a few journalists indicate that partial-birth abortions are generally performed in cases in which the baby has profound disorders or the mother faces a dire physical threat.

But hard facts indicated that this horrific practice is far more common than its proponents will admit. In truth, this piece-by-piece abortion is performed thousands of times annually, and the vast majority are performed on healthy babies of healthy mothers.

It must be outlawed.

Today, many will repeatedly give us the details of this so-called ''medical procedure.''

Instead, I would refer my colleagues to these medically accurate images. Doctors have described to us how the baby is pulled partly out of the mother's body, only inches from a completed birth and how an abortionist inserts scissors into the skull creating a hole where the baby's brain can be suctioned out. We have all seen pictures of the lifeless body pulled from the mother and tossed away like trash.

After seeing this, why debate? Partial Birth abortion is murder—the devil is in the details. This isn't about a woman's right to choose. This is about a child's right to live. And no compassionate person wants to see a woman suffer the personal tragedy of abortion. Women deserve better than partial-birth abortion.

I would say that the choice is simple, but there is no choice inherent in our duty to ensure that the sanctity of human life is never compromised. The unborn child has no voice and cannot protect itself. It is up to all of us to guarantee their voices are heard and their right to life is protected.

I urge my colleagues to help protect the lives of the most innocent, helpless and defenseless among us and support the Partial Birth Abortion Ban Act.

Mr. SMITH of Texas. Mr. Speaker, I support S. 3, the ''Partial Birth Abortion Ban Act of 2003.''

This bill prohibits a heinous and inhumane procedure. Partial birth abortions are a procedure in which a fully viable child is killed just inches from being fully delivered.

This procedure is inhumane and barbaric, and has no place in a civilized society.

Also, a partial birth abortion is not safe for women, and is never necessary to preserve the health of the mother. Unlike other abortion procedures, partial birth abortion involves killing a child that is no longer in the womb.

I strongly support the passage of this conference report.

Mr. CONYERS. Mr. Speaker, today we are once again considering a deceptive, extreme, and a blatantly unconstitutional attempt to sensationalize the abortion debate through heated rhetoric. If this bill passes today it will be the first time since the passage of Roe v. Wade that the Congress will steal the right of women and their families to decide matters of their own health care in consultation with their doctors. This is not just an issue of women's rights anymore—this is an issue of preserving the privacy of all Americans to keep the government out of their Doctor's office.

Just three years ago, the Supreme Court decided Stenberg v. Carhart, in which the Court held unconstitutional a Nebraska statute banning so-called ''partial-birth'' abortions.

The Court invalidated the Nebraska law for two independent reasons: (1) it did not contain an exception to protect the health of the woman, and (2) it placed an ''undue burden'' on a woman's right to choose by banning the most common type of 2nd-trimester abortion procedure.

S. 3 shows complete disregard for the Count's decision in Stenberg and suffers from the same two constitutional defects. It's as if the drafters went out of their way to thumb their nose at the Court.

First, there is no question that S. 3 lacks an exception to safeguard women's health, which the Supreme Court unequivocally said was a fatal flaw in any restriction on abortion.

Even the Ashcroft Department of Justice recognizes that, in order for any abortion regulation to be constitutional, it must contain an exception to protect the woman's life and health.

This legislation attempts to justify its lack of a health exception by summarily asserting in the bill's ''findings'' that the banned procedure is ''never medically necessary.'' Not only are these findings demonstrably false, they do nothing to rehabilitate the bill's unconstitutionality.

Much as the drafters may wish it to be otherwise, Congress cannot make a law constitutional simply by making ''findings'' that contradict the direct holding of a Court decision.

Simply stated, the bill's failure to include an exception to protect women's health will make it ''Dead On Arrival'' the minute it is challenged in court.

Second, the bill's definition of ''partial-birth abortion'' is so vague, overbroad, and internally contradictory that it would ban safe, previability abortions in violation of woman's right to choose.

But even if the bill covered only a single, late-term abortion procedure—which it does not—the bill would still endanger women's health by banning a procedure that the American College of Obstetricians and Gynecologists has recognized ''may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman.''

Congress should not take decisions about medical treatment out of the hands of doctors and families. But that is exactly what this bill sets out to do.

This legislation is a facially unconstitutional attempt to roll back a woman's right to choose. Fifteen pages of erroneous ''findings'' cannot change this sow's ear into a silk purse and rehabilitate this bill that puts politics ahead of women's health.

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of the conference report on S. 3, the ban on the procedure known as partial birth abortion. I was appalled when I learned of the partial birth abortion procedure and have been working diligently to abolish it ever since. This heinous procedure involves partially delivering fully formed babies, and then killing them. It is one of the most horrible forms of abortion practiced. The difference between abortion and murder is literally a few inches. I believe that there is no justification for this brutal and heartless procedure, and only the most calloused among us can hear the description of this procedure and not react with disgust.

We must act now to ban this appalling procedure and protect the innocent unborn from violent deaths. A vote in favor of the conference report on S. 3 will stop the killing of innocent children and will send a message to the world that our Nation views life as a sacred and precious gift.

The overwhelming majority of the American people want to ban partial-birth abortions and no matter what your position is on abortion, this grisly procedure is indefensible in a civilized society. Thus, this vote on the conference report on S. 3 gives all of us an opportunity to join together in protecting innocent children from this horrific and gruesome procedure.

S. 3 is effective legislation to ban an unbelievably gruesome act. I urge each of my colleagues to support this legislation and to protect those who cannot protect themselves.

Mr. HOLT. Mr. Speaker, I rise in strong opposition to this bill, this so-called partial-birth abortion ban. It continues a troubling tendency that we have seen over the last few years for Congress to try to practice medicine.

Every day, patients make medical treatment decisions that are difficult, that are unpleasant, that are even dangerous and matters of life and death. Surely pregnant women deserve the same opportunities to decide with their doctors the best course of treatment. However, this bill denies women such opportunities and restricts their ability to access safe and appropriate health care. Furthermore, doctors who determine that the banned procedure is the most appropriate treatment will be subject to criminal sanctions simply for providing their patients with the best medical care.

All of us like to see fewer abortions performed in this country, and that is why I support education and prevention programs to help families avoid unwanted pregnancies. But the question of whether or not to have an abortion is one of the most difficult decisions any woman can face. Reproductive health care is a very personal, ethical, and medical matter that should be left to individuals, their doctors, and their families without interference from the government.

Proponents of this bill allege that it will protect life. In reality, it will jeopardize the health of women across this nation. Mr. Speaker, this legislation should be rejected.

Mr. CRANE. Mr. Speaker, I rise in strong support of the Partial-Birth Abortion Ban Act of 2003. By passing this legislation today the House will take its final step towards banning the truly horrifying practice whereby an innocent life is taken in a most gruesome way. The House has passed legislation in each of the last four Congresses banning partial-birth abortions. In the 104th and 105th Congresses, President Clinton vetoed the partial-birth abortion bans.

During this procedure, which is used in second and third trimester abortions, the infant's body id delivered, leaving only the head in the womb. At that point, the abortionist pierces the back of the infant's skull with a sharp instrument and then proceeds to vacuum out the infant's brain tissue, thus collapsing the skull, allowing the now-dead infant's body to be extracted.

Some opponents of this legislation have argued that they fear for the health of the mother in an emergency. I can assure them that this procedure is never used in a real emergency, because it takes three days to prepare and complete this procedure.

This legislation makes it a federal crime for a physician, in or affecting interstate commerce, to perform a so-called partial birth abortion, unless it is necessary to save the life of the mother. Under H.R. 760, anyone who knowingly performs a partial-birth abortion would be subject to fines and up to two years in prison. The bill provides that a defendant could seek a hearing before the state medical board on whether his or her conduct was necessary to save the life of the mother, and further provides that those findings may be admissible at trial.

Mr. Speaker, I urge my colleagues to vote in favor of this very important legislation. Thanks to President Bush, this Congress finally has an opportunity to ban the gruesome

procedure without the threat of a presidential veto. By passing S. 3 today, we will finally be able to protect innocent babies who, through no fault of their own, have their lives taken.

Mr. WELDON of Florida. Mr. Speaker, I rise today to voice my strong support for the Partial Birth Abortion Ban Conference Report. For 9 years, I have been coming to this floor and speaking out against this barbaric procedure, so it is with great joy that I rise today in support of this bill knowing that we finally have a President who stands ready to sign this bill into law.

I first learned of this procedure 10 years ago, in 1993, when I was still practicing medicine. After a long day of seeing patients in my office, I opened the American Medical News and saw this procedure described. I was shocked, not only by its flagrant violation of the sanctity of human life, but its brutality. How could such an awful procedure be legal in this country? Now 10 years later, after years of House and Senate votes and vetoes by former President Clinton, we will finally see a ban on partial birth abortion signed into law.

The procedure is simply abhorrent. The mother is subjected to 3 days of slow inducement. Then the child's head is left in the mother's womb until the abortionist kills the child by puncturing the back of the child's neck. If the baby's head were 3 inches further out of the birth canal, this practice would be called murder.

Critics of a partial-birth abortion ban have asserted that the ban could endanger the life and/or health of the mother, but such is not the case. Even the American Medical Association has said that this procedure is not good medicine and is not medically indicated in any situation.

This procedure is clearly barbaric. It is unneccesary under any circumstance, and the legality of the procedure is an affront to the founding principles of this Nation. I remind my colleagues that we have come this far, we cannot stop short of doing what's right. Let's send this bill to President Bush's desk with the message that these lives are worth saving.

Ms. HARMAN. Mr. Speaker, I rise today in strong opposition to the conference report to ban so-called partial-birth abortions.

Regrettably, Congress poised to pass, and the President is prepared to sign, a bill that can only be described as unconstitutional.

I urge my colleagues not to be deceived by this legislation.

Partial birth is not a medical, factual, or legal term. Let's be frank—it is a political term.

This is not a debate about so-called partial-birth abortion or late-term abortion. This is a debate about efforts to roll back a woman's constitutional right to choose whether or not to have an abortion.

The so-called partial birth abortion ban contained in this bill is intended to erode the protections of Roe v. Wade and I believe will be found unconstitutional by the courts.

Even the sense of the Senate language included in the Senate-passed bill reaffirming Roe v. Wade has been stripped out of this bill.

Supporters of this bill argue that language defining the partial-birth abortion procedure has been tightened and that findings included stating that the procedure is never necessary to protect a woman's health.

This is simply smoke and mirrors. The bill is unconstitutional for the same reasons the Supreme Court struck down similar laws. Women are entitled to the right to the safest abortion procedure available. To ban one particular procedure is to deny women—in consultation with their doctor—that right.

Just as its authors intended, this bill would apply well before viability, banning a safe method of abortion that is often used in the second trimester.

In addition, it fails to include language providing an exception to protect the health of the mother.

I am distressed that more than 30 years after the Supreme Court's historic Roe decision, we are considering legislative measures that could revert us back to the time of dangerous back alley abortions.

Before voting, I hope that my colleagues will remember the struggles women faced before Roe.

Let us not forget the women who were injured or who died from unsafe procedures. This bill could well return us to that era again.

I urge my colleagues to uphold a woman's constitutional right to choose by voting against final passage of this conference report.

The SPEAKER pro tempore (Mr. SHIMKUS). All time having expired, without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 281, nays 142, not voting 12, as follows:

[Roll No. 530]

YEAS—281

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Isakson
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—142

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Conyers
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kind
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff

Scott (GA)	Tauscher	Watson
Scott (VA)	Thompson (CA)	Watt
Serrano	Thompson (MS)	Waxman
Sherman	Tierney	Weiner
Simmons	Towns	Wexler
Slaughter	Udall (CO)	Woolsey
Smith (WA)	Udall (NM)	Wu
Snyder	Van Hollen	Wynn
Solis	Velazquez	
Stark	Waters	

NOT VOTING—12

Boswell	Evans	Kirk
Brady (TX)	Gephardt	Pickering
Dreier	Hyde	Sabo
Eshoo	Issa	Walsh

□ 1254

Mr. BALLANCE and Mr. GONZALEZ changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PICKERING. Mr. Speaker, on rollcall No. 530 I was unavoidably detained. Had I been present, I would have voted "yes."

APPOINTMENT OF CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2660, be instructed to insist on section 106 of the Senate amendment regarding overtime compensation under the Fair Labor Standards Act.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

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

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the House bill does not contain and the Senate Labor HHS bill does contain an important provision which affects millions of American workers. That provision would preclude the Department of Labor from issuing any regulation that takes away overtime protection from workers who currently qualify for that protection. It would protect rights that workers in this country have had since the enactment of the Fair Labor Standards Act of 1938.

Under the Senate provision, the Department of Labor could proceed with its ongoing rulemaking process and modify the overtime regulations. Example: The department could proceed with making a long-overdue inflation adjustment that guarantees overtime protection for certain low-income workers earning $22,100 a year.

□ 1300

The Department of Labor says that this will result in an additional 1.3 million workers receiving overtime. I do not know if that estimate is right, but we agree with this provision. We, in fact, think that it would add far fewer number of workers than does the Department of Labor. The only shortcoming we see with it is that it does not go far enough and does not even keep pace with inflation, full adjustment to match inflation would require the department to increase the salary threshold in the rule to at least $27,560.

The Senate provision also would not stop the department from clarifying the overtime regulations to update them for the 21st century. For example, by eliminating an achronistic terms such as ''straw boss'' or ''gang leader'' or eliminating job classifications which no longer exist such as ''teamster''. Do not tell that to the Teamsters Union, however.

The Senate provision would provide the same protections to newly hired workers as to current workers. It does not grandfather in current workers but ensures the same overtime protections to all workers in a job classification.

Mr. Speaker, there is general agreement that workers are going to lose overtime protection under the administration's revised regulation. The question is how many will lose that protection? By some estimates as many as 8 million workers who are currently protected will lose that protection. Even if the Department of Labor concedes that a minimum of 644,000 workers currently covered would lose that protection and could be forced to work overtime without being compensated. Whether the number is 644,000 or 8 million, Mr. Speaker, the Bush administration should not put American workers in the position of being forced to work more than 40 hours a week without being paid overtime.

So to reiterate, the Senate provision would simply stop the Department of Labor from issuing a regulation taking away overtime protections from workers who currently have them. The Senate provision is absolutely essential to protect workers' overtime rights. It is not enough that more than 3 million workers have lost their jobs since this administration has taken office. Now the administration apparently wants to cut the pay of a number of workers who still have jobs by cutting their overtime protections. That is clearly not right. It is not fair. I do not think that the public would support it, and I would urge a yes vote on the motion to instruct.

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

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

Mr. Speaker, I think the operative word here as stated by the gentleman from Wisconsin (Mr. OBEY) is they ''apparently.'' Well, they have not finished this procedure. The Department of Labor has received 80,000 comments on the proposed change. What they are trying to do is to bring the rules on overtime into the new century. It has been over 50 years since the present rules were promulgated and the department thinks it is important to take a look in relationship to today's world, today's communications, today's structures of our labor programs that would be realistic.

I think one of the things that I want to put to rest is that this will affect certain groups. I have here a letter from the national president of the Fraternal Order of Police writing on behalf of the members of the Fraternal Order of Police to advise of their opposition to the motion to instruct. What they are saying is let us look, let us take these 80,000 comments and see what makes sense and is fair to everyone concerned. The Secretary of Labor is approaching it from that point of view. What is fair.

Likewise, it has been said that the nurses would come under this because they have do a lot of overtime and, again, the Nursing Executive Watch, a publication that goes to nurses says, ''Contrary to popular belief, changes to overtime regulations won't affect nurses.''

So, again, it is an effort by the Department of Labor to look at regulations that have been in place more than 50 years and say what is fair, what makes sense in 2003 and thereafter.

Now, there is another risk involved in all of this and that is the fact that the administration's leadership, the executive branch, has said they would recommend a veto.

Well, what would be the result of a veto? We would be living on a continuing resolution without increases voted by this House in support of the Labor, Health and Human Services, Education Bill, increases in the amount of money for many good programs. And let me tell you a few of these:

Special education gets an extra increase of $1 billion in the Labor H bill. Title I, which is designed to help children from low income homes gets an increase of $650 million. Reading programs, and we hear more and more evidence that reading is such a vital part of the education of any individual. They use scientific evidence to help

children, and they are funded at over $1 billion. Impact aid, for those of you who have military bases, is increased by $50 million for a total of $1.2 billion. That is just education.

As I said many times, this is the people's bill. Every one of the 280 million Americans in one way or another, their lives are touched by the things we do in this bill. Health programs, many of you have community health centers, a very valuable asset in any community, and we recognize this, and based on the President's recommendation have increased the funding for these in the bill. Centers for Disease Control. The CDC has been much in the news in recent months because of a wide variety of diseases and, again, we increase the funding for the Centers for Disease Control. Substance abuse. We hear all the time about the problem of drugs. And again, we have increased the money for this program and, of course, the National Institutes of Health. This is the premier medical research institution in the world. Not only does it benefit the people in the United States, it has a worldwide impact on the health of people. We have substantial increases for the National Institutes of Health.

I could read off a whole list of agencies that get increases in this bill, Even Start, Reading First, Early Reading First, Literacy, Migrant Education, programs for neglected and delinquent youth, Comprehensive School Reform, Mathematics and science partnerships, after-school centers, education for homeless children, education programs for rural school districts, teacher enhancement programs, charter school grants, credit enhancement for charter schools, the list goes on and on, PELL grants, vocational education state grants, Historically Black Colleges and Universities, TRIO, GEAR UP, Teacher Quality Enhancement Grants, Howard University, education research, and so on.

All of these programs get increases under the bill under discussion, and we are going to put that at risk if we reject the efforts of Secretary Chao and that is what this amendment does. It says, do not pay any attention to the 80,000 comments that have been sent in to your agency to evaluate how it is presently working in comparison to what it would have been 50 years ago. We are saying, no, no, no, stop. And then you run the risk that if the President's advisors prevail and there is a veto, we could be on a continuing resolution even for the balance of this fiscal year. If that were to happen, all of these programs would be funded at levels below what we have put in the bill.

And I think as our Members contemplate making a decision on how to vote on this motion to instruct, that they ought to keep in mind that what they are doing is gambling the future of our children or gambling these increases in some great programs against what we think is a very orderly process, and that is to let the Secretary go forward, evaluate the 80,000 comments and make a decision on what the rules should be in terms of overtime pay for the next years.

So I say to all of my colleagues, weigh your vote carefully because you are not only voting on a proposal that was brought up in the Senate by way of an amendment, you are voting on the future of a lot of very good programs that are funded under the Labor bill.

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

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I cannot believe one thing that I just heard. The distinguished gentleman from Ohio (Mr. REGULA) I believe said that if this were to be included in the conference report, the White House would veto the bill. I really want to see whether this President has the unmitigated gall to veto this bill because of protections that we place in the bill so that workers do not have to work more than 40 hours a week and still not be paid overtime. I want to see whether the President who has presided over the loss of 3 million jobs in this economy has the unmitigated gaul to then say to those workers, ''Sorry, folks, you've got to work more than 40 hours without collecting overtime.

Now, I believe, given his track record, he would like to do that, but very frankly, I doubt that he has got the moxie to do that in the teeth of the miserable economic performance that he has provided this country on the economic front. It is outrageous to even think that the President would veto this bill over this provision.

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

Mr. REGULA. Mr. Speaker, I yield myself 1 minute.

Just let me say that the Secretary's proposal would allow, this is a proposal that she has the comments on, would allow an opportunity for overtime for over one million workers that are now not covered. And these are the workers that are at the low end of the wage scale. So you have to keep in mind what the administration is proposing to do here, although they have to evaluate the 80,000 comments.

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

Mr. OBEY. Mr. Speaker, I assume that came out of the gentleman's time?

The SPEAKER pro tempore (Mr. SHIMKUS). Is the gentleman from Ohio (Mr. REGULA) yielding to the gentleman from Wisconsin (Mr. OBEY)?

Mr. OBEY. Mr. Speaker, I was not asking that.

The SPEAKER pro tempore. The Chair is trying to decide who is controlling time. Has the gentleman from Ohio (Mr. REGULA) yielded back?

Mr. REGULA. Mr. Speaker, I have time I want to yield to some of my colleagues.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) reserves his time.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, I have parliamentary inquiry. I was just trying to determine whether the gentleman's last remarks came out of his time.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) had yielded himself 1 minute.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I want to make clear this instruction motion does not prevent the Labor Department substituting the change in regulations that allow additional workers to claim overtime, so that is included in our motion. The only thing we stop is, we stop the President from unilaterally taking away overtime from workers who get it now.

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

Mr. REGULA. Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise in strong opposition to the motion to instruct conferees which would prevent the Department of Labor from implementing regulations to update complex and outdated, the key word is outdated, wage and hour regulations and provide additional overtime protections to millions of this country's workers.

Numerous hearings have been held in my Subcommittee on Workforce Protections of the Committee on Education and the Workforce in the last several Congresses, and they have demonstrated the need for the current regulations to be updated after 1938 to meet the needs of today's American workforce.

The Department's proposed regulations, Mr. Speaker, will guarantee overtime pay to 1.3 million workers who do not presently get overtime now. Now, remember, 1.3 workers are going to get an increase in the amount of money in their pocket. It has been of interest to me as I watched on national television some of the leaders of the opposition of this say, oh, just a few people are going to get overtime pay. Oh, just a handful. Well, it is not a handful if you are part of that 1.3 million.

□ 1315

This also will ensure that 10.7 million workers who are eligible for overtime continue to get it. A vote to accept the Harkin amendment is a vote against giving overtime to those 1.3 Americans and a vote to truly threaten overtime pay for the 10.7 million working families.

I think it is imperative we take a minute and try to get the record straight as to what the proposed regulations do not do, because Big Labor and their friends in the Democratic Party have been playing fast and loose with the facts. These regulations do not take overtime away from 8 million people. In fact, those 8 million people do not make overtime now. They are made sure that they do not make overtime, but they could make more

money, which is what they are interested in, because they work on their production and their production could yield a lot more money if they could work the hours they choose to work.

These are numbers which have been spread around not by economists but by lobbyists in a Democratic labor think tank. They simply do not add up. Check these numbers. They are plain and simple an untruth, the numbers that have been thrown around.

These regulations would not strip overtime pay from policemen, firefighters, nurses, and other first responders. Listen, these regulations would not strip overtime pay from policemen, firefighters, nurses, and other first responders. Whoever says that is not telling the truth. Workers in these jobs who get overtime pay today will continue to do so, and more of them will get overtime pay under these new rules.

These regulations do not affect a single union member who gets overtime under his or her collective bargaining agreement. These regulations do not affect a single union member. For workers whose rights to overtime pay is in their labor contract, these regulations simply have no effect.

Finally, these regulations are not a take-back by employers. This is not an effort to trim the payroll by denying workers overtime. In fact, the Department of Labor estimates that under the proposed regulations, businesses will pay almost $900 million more in overtime in next year alone. What employers support a rule that would cause them to pay more in overtime pay? Because, my colleagues, they know that the current system just does not work; and it does not fit the 21st century. It is outdated, it is complex, and it is broken. Employers cannot know who they have to pay overtime, and employees cannot know if they are entitled to overtime, and the Department of Labor cannot effectively and efficiently enforce the law. My colleagues want to keep that?

Who does support a Harkin amendment? Trial lawyers, for one, who have made a killing on gotcha class action litigation, filing lawsuits to try to get overtime pay for corporate executives and rocket scientists; and Big Labor supports the Harkin amendment, not because it has any effect on union members who are already protected under their contracts, but because labor has turned this into a scare tactic and an organizing tool to raise money and to collect more union dues. It is just that simple.

The Harkin amendment would only add to existing confusion, making matters worse for both employees and employers. It would result in fewer hardworking Americans getting overtime. It would result in fewer hardworking Americans getting overtime, and it is nothing more than a big tool of labor and the trial lawyers. That is why the President has vowed to veto the bill if the Harkin amendment, which would result in fewer workers receiving overtime, is included in this bill.

I urge my colleagues to reject this distortion, this misinformation, these outright untruths that have been spread and, I might add, spread very effectively about these regulations and all of us stand up and vote against this motion to instruct.

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

Mr. Speaker, the gentleman from Georgia always gives a fine speech on the floor. The problem is he just gave a fine speech against a proposition that is not being offered.

The fact is that the motion that we are offering today does, I repeat does, D-O-E-S, does allow the Labor Department regulations that add people to overtime protection. We do accept those updated definitions. What we do not accept is the President unilaterally, without congressional action, knocking off from the overtime protection rolls workers who now have that protection.

The gentleman also says not a single union member will be affected by the Labor Department's suggested rulings. Let me point out two things. First of all, we ought to be worried about all workers, not just union workers; and, secondly, the fact is that right now unions do not have to negotiate this overtime provision in their contracts. Right now they have the protection of the law. If this is removed, then that is just another way that you are going to unbalance the bargaining table against workers by forcing them to have to go back and negotiate something which they have had by right since 1938. I dare the administration to go into any union hall in this country or any working plant in this country and claim to be a friend of workers if they veto this bill over our efforts to stop that kind of unilateral action.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

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

Mr. LYNCH. Mr. Speaker, as a co-chairperson along with the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Maine (Mr. MICHAUD) of the newly formed Congressional Labor and Working Families Caucus, I urge my colleagues to vote in favor of this motion to instruct.

Mr. Speaker, the action that we are recommending today is necessary because the Department of Labor is indeed intending to implement new regulations that will place an undue burden on millions of American workers and their families. These proposed regulations would indeed block as many as 8 million American workers from receiving overtime pay, and we are not talking about CEOs of Fortune 500 companies here.

The exact language of these regulations would hurt the very men and women that are on the front lines of our war against terrorism, our first responders. There is no language in these regulations that would exempt our nurses, our firefighters, or our police officers that dedicate their working lives to protecting the safety of all of us.

Mr. Speaker, under the economic policies of this administration, more than 3.3 million jobs have been lost in this country since 2001; and as a result, unemployment is now at a 10-year high. Millions of additional workers are concerned about their pensions, health benefits, and ability to meet their basic needs such as rent and groceries.

This Congress today must act to protect American workers. If this new regulation is implemented, then millions of American workers will be put in a position where they are forced to work harder for less pay.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) for his hard work on this; and I want to point out, the gentleman from Georgia just said that there is no effect on firefighters, on nurses or on police officers by this regulation. That is what this motion to instruct requires. If he truly believes that, then he should support this motion to instruct.

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

I want to read the operative section of the so-called Harkin amendment: ''None of the funds provided under this Act shall be used to promulgate or implement any,'' and I emphasize ''any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act that were in effect as of September 3rd, 2003.''

Now, with 80,000 comments to evaluate and if this were adopted, this amendment, the result would be that the Secretary would be very reluctant to do anything because it says none of the funds shall be used to promulgate or implement any regulation that exempts and so on. It would simply put a chill on trying to bring overtime regulations into this century.

The result would be that over 1 million people who are presently not getting the benefit of overtime pay would be denied this prospect for the future because the Secretary would look at this language and say, look, under those circumstances, I cannot even get involved because this language is so restrictive, and they are in effect denying the very people that the other side would say they want to help. They are denying them an opportunity to participate in overtime regulations and in effect get the time and a half that they would deserve.

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

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I will simply repeat again, the effect of this motion does not deny the Labor

Department the right to add a single worker to overtime protections that they provide under their adjustments. All it does is to prevent, to prevent workers who now have that overtime protection from losing it. It is just that simple.

I am the author of the motion. I think I know what it says. I think I know what it means.

Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, as co-chair of the newly formed Congressional Labor and Working Families Caucus, I urge my colleagues to vote in favor of the motion to instruct conferees.

It is time to stop the all-out assault on workers in Maine and throughout our Nation who rely on overtime to make ends meet. It is time to abandon the proposal to block overtime pay for 8 million workers nationwide, and it is time that this Congress and this President listen to the hardworking American people.

I rise today on behalf of the families across our Nation and in my State of Maine whose overtime pay accounts for 25 percent of their entire income. What message could this be sending them? Mr. Speaker, after working 30 years in a paper mill, I know what message it sends to the working people of this country. It tells them that their work is of less and less value and that this Congress does not care that they are falling further and further behind.

I urge my colleagues to listen to the people who work hard, who built this country, made this country what it is today.

Mr. REGULA. Mr. Speaker, how much time is left for each side?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Ohio (Mr. REGULA) has 14½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 19½ minutes remaining.

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

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Mr. Speaker, I rise in support of the motion to instruct conferees on the Labor-HHS-Ed appropriations bill. This motion is urging support for Senator HARKIN's provision, which blocks the administration's effort to gut overtime pay as we know it should be adopted.

These proposed changes will imperil an estimated 8 million workers and make them ineligible for overtime pay. Most Americans have grown accustomed to working a little extra to make a little extra in their paychecks. This helps employers and employees. These workers do not consider overtime pay as frivolous or spare change. It is not a luxury in today's shaky economy.

Many workers who earn overtime receive 25 percent of their annual income from the extra hours on the job. We should not take away a very important component to our workers. This is unfair. It is unwise. We should not penalize workers who are playing by the rules and need overtime pay.

The other body successfully adopted an amendment to prevent the administration from implementing this harmful regulation, and I remain hopeful, I remain hopeful this House will see the merits of overtime pay and agree with the need to block the regulation.

I urge my colleagues to join me, to join us in support of this motion to instruct and keep fairness for all American workers.

Mr. REGULA. Mr. Speaker, I continue to reserve my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

□ 1330

Ms. DELAURO. Mr. Speaker, for 70 years, overtime pay has meant time and a half in this country. Without overtime, countless Americans, including police officers, firefighters, nurses, and EMTs would be forced to take a second job to make up for the lost earnings, meaning more time away from their families and higher child care costs.

The administration's rule is designed to give flexibility to companies, not to families, but flexibility to withhold rightfully earned pay from their employees by weakening the 1938 Fair Standards Labor Act, protections that safeguard our workers' rights today and make mandatory overtime a less attractive option for the employer.

This comes at a time when we have more than 9 million Americans out of work, when income is declining, poverty is increasing, and nearly 44 million Americans are without health insurance. Mr. Speaker, this is a matter of values, of our country's long-standing contract with working people that says hard work deserves to be rewarded, especially when that work is above and beyond the call of duty, after normal working hours. That contract must be honored.

I urge our conferees to include the Harkin amendment in the conference report.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BELL).

Mr. BELL. Mr. Speaker, I have listened closely to the arguments offered on the other side in opposition to this motion to instruct, but I think something that should be pointed out is that just standing up here and saying something does not make it so, or saying this proposal will not affect certain people does not make it the truth.

Let us be very clear about what we are talking about here today. Under the Fair Labor Standards Act, employers are required, they are required to pay employees a premium for overtime work. They have been required to do so since the 1930s. An exception does exist for three categories: for executive, administrative, and professional positions.

Under this Department of Labor proposal, every proposed change to the duties test, which determines whether someone falls under one of those exception categories, every proposed change to the duties test would make it easier to avoid paying overtime, would make it easier for employers to get around their obligation to pay a premium for overtime work.

And my colleagues can say that certain jobs will not be affected, but look at the list. Look at the list of those who would be affected: mid-level office workers, lower-level supervisors, licensed practical nurses, newspaper reporters, policemen, firefighters, and the list goes on and on.

This is an unfair proposal. It is a lousy proposal. Vote for the motion to instruct.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, as co-chair of the newly formed Congressional Labor and Working Families Caucus, which now has over 75 Members of this House, I urge my colleagues to vote in favor of this motion to protect overtime pay.

For many hardworking men and women, including cops and firefighters, nurses and first responders, overtime pay is not spare change. It helps families pay the mortgage, feed the kids, pay for college, and save for retirement. In this especially brutal economy, which has been so hard on America's working families, I urge my colleagues to not let the Bush administration shortchange our working families.

Mr. OBEY. Mr. Speaker, how much time do we have?

The SPEAKER pro tempore (Mr. SHIMKUS). Each side has 14½ minutes remaining.

Mr. REGULA. Mr. Speaker, I have one more speaker, and I understand the gentleman has the right to close, so I will reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this administration now seems intent on picking the pockets of workers. First we saw an attempt to give workers a pay cut by giving them comp time instead of overtime. The real meaning of comp time, of course, is unpaid time off at the employer's discretion.

Now, through administrative action, and without the input of elected representatives, the administration seeks to enact the most significant change to overtime rules since the Fair Standards Labor Act was passed in 1938. The result of these changes is that at least 8 million workers will no longer be eligible for overtime. Among the unlucky 8 million are paramedics, firefighters, air traffic controllers, social workers, and architects.

In 2000, overtime pay accounted for about 25 percent of the income for these workers. Their families will now have much less money to pay the bills, while their employers will have a great incentive to make them work longer hours.

The Obey-Miller motion to instruct will stop the rollback of overtime pay. This motion will protect the wages of America's working people.

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

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

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

Mr. Speaker, I wonder what it is that President Bush does not understand about the difficulty that the American family today is having trying to provide for their needs. Some 9 million people are unemployed in this country, actively looking for work, perhaps dropping out of the job market because they are so discouraged. There are some 3 million new unemployed in the last 2 years, 400,000 last month.

Do they not understand what these families are going through, many of these families with two earners, many of these families single heads of household? Now they want to come along and suggest that for millions of Americans who now get overtime under the law that they would no longer get that. Do they understand what it means to provide for a family, the average working person in this country, how important overtime is to those individuals? It could be up to a quarter of their wages. This is how they qualify for their home mortgage. This is how they qualify for their automobile payment. This is important to their family income on an annual basis.

What is it that so angers the Republicans that they want to constantly attack average working people in this country? As mentioned before, they wanted to provide them comp time. As mentioned before, they will not raise the minimum wage to help them. Now they want to strip them of their overtime. Do they not understand that when somebody calls and says at the end of the day that someone has to work another 2 hours, 3 hours, or 4 hours that that individual has to scramble for child care, that they have to scramble for transportation, they have to find somebody to stay with the children at home? Do they not understand what those costs mean to families? Can they not identify with these families?

Apparently, they cannot because they continue this assault on working families in this country. They continue this assault. Now, administratively, they want to decide that engineers and draftsmen, and engineering technicians without college degrees in the automotive and aerospace industry, because they did not have a 4-year degree but now have work experience, they will not be eligible for overtime. Health care employees without a 4-year degree, licensed practical nurses, dental hygienists, ultrasound technicians, physical therapists, respiratory therapists, laboratory technicians will no longer be allowed to have overtime. Cooks and chefs, if they got educated in the Army on how to be a cook, on how to be a chef, they will not be eligible for overtime because they got educated in the Army.

What is it this administration does not understand? What is it they do not understand when we have EMT teams, emergency medical technicians, one of whom supervises the other two in an ambulance for that night, that that person is not eligible for overtime but the other two are? How can that be just, how can that be fair if they have to work 50 hours or 60 hours a week? Why is it one of the people in the vehicle gets overtime and the other does not, simply because they may take command of that vehicle for that particular night?

That is the unfairness of these regulations. These regulations, as was said the other day in the newspaper by the big-employer consulting firms across this country, all of these changes are for the benefit of the employer. All of these changes enable the employer to take away overtime pay. It does not take away overtime. Workers still have to work the 50 hours, they still have to work the 60 hours, they still have to work that Saturday, they still have to work that Sunday. They just do not get paid for the extra time, the premium pay for the inconvenience to the worker.

This is incredibly unfair, incredibly insensitive to how families are struggling in this Bush economy to not only hold on to their job, but now they find out if they go and get additional education to improve their skills, they may lose their overtime. If they simply try to improve their worth to their employer, to improve their employability, they find out under these regulations they will not have overtime.

If an employer asks you, what do you think about Joe and they say I think Joe should be fired, and Joe is fired, that employer will say that they gave particular weight to your comments and you are ineligible for overtime.

What the hell is going on here? These are people who go to work every day on behalf of America's economy, on behalf of our society. They come home tired. They want to see their children. They need the overtime pay, and the Bush administration and the Republicans in this Congress are insisting that they take it away from them.

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

Mr. GEORGE MILLER of California. * * *

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California. * * *

The SPEAKER pro tempore. The gentleman will suspend.

Mr. GEORGE MILLER of California. * * *

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

Mr. GEORGE MILLER of California. * * *

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The time of the gentleman from California has expired. The gentleman will be reminded that he should not use profanity in debate on the floor of the House.

The Chair would advise Members that remarks uttered while not under recognition do not appear in the RECORD.

The Chair now recognizes the gentleman from Ohio.

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

I think we need to clarify some things here. Number one, this proposed regulation will offer a lot of hard-working Americans that have been alluded to here an opportunity to get overtime pay. These are the people making less than $65,000. They will then be eligible under this proposed regulation.

Now, we understand that these comments have to be evaluated and that the Secretary of Labor will ultimately have to rule on what is fair. And what we are trying to do is to give her this opportunity.

I want to quote from a letter from the Fraternal Order of Police: ''The proposed regulations offer an important opportunity to correct the application of the overtime provisions of the FLSA to public safety officers. We are therefore concerned that the retention of this amendment,'' as proposed by the other side, ''during conference committee deliberations will undermine our efforts to successfully protect overtime compensation for more than 1 million public safety officers and hinder the DOL's,'' Department of Labor's, ''ability to issue final regulations.''

They would propose, as it is outlined here, to hinder the possibility and protection of overtime compensation for more than 1 million public safety officers.

Now, one of the things that has been tossed around is that nurses would come under this. As a matter of fact, they will not. And the Nurses Association makes it clear that they are not covered, that it will not affect them, as far as their availability of overtime.

It is a matter of being fair. None of us drive, or very few, an automobile that is over 50 years old, yet we are operating under standards promulgated more than 50 years ago. Let us bring these up to date so that more Americans will be eligible to participate in the American Dream.

We cannot discount the fact that there is a possibility of a veto. Because if this were to happen, and if we were

to operate the Labor-HHS programs under a continuing resolution, as I have pointed out earlier, a lot of good programs would no longer get the increases that have been provided in our bill, starting with the $1 billion extra for IDEA.

Here is a chance to do something good for America. That is why the Secretary of Labor is proposing to take a look. And if you read this proposed restriction carefully, what it says is that none of the funds shall be used. I can see the lawyers in the Labor Department saying, hey, Congress has said none of the funds shall be used, and they put in certain conditions. So the Secretary of Labor, in all probability, would say we cannot take the risk so we will not do anything. The result would be that more than one million Americans would be denied an opportunity to participate in overtime.

I do not think Members here want to do that. I think they want to be fair. And the vote that is fair on this issue is to reject the motion to instruct and, in effect, reject the motion that we instruct the conferees to accept the Harkin amendment. Mr. Speaker, I urge Members to vote against the proposal of the gentleman from Wisconsin (Mr. OBEY).

□ 1345

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

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, parliamentary inquiry.

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

Mr. OBEY. Mr. Speaker, is the transcript that is being taken of today's proceedings in English or is it in some other language?

The SPEAKER pro tempore. The Chair would advise the gentleman that the transcript of the proceedings is in English.

Mr. OBEY. I thank the Chair for that clarification.

Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I wanted to make sure that was the case because despite the comments of the gentleman from Ohio (Mr. REGULA), under our proposal that we are offering today, any worker who is added to the overtime protection rules by the new proposed rule is, by our motion, allowed to get that overtime protection. The only effect of our motion is to prevent the Department of Labor from knocking people off the overtime protection rules.

I have said it for the fourth time. I think I said it in English. I think the meaning is clear.

Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I want to be fair, and that is what this motion is all about, being fair to the working men and women of this United States.

I rise in strong opposition to the proposed rollbacks to protect overtime protection for American workers and to encourage my colleagues to support this motion to instruct conferees.

The language in the House-passed bill cheats working men and women of America out of just compensation for an honest day's work. The intent of overtime pay is to protect certain employees by establishing a 40-hour work week. It is an incentive to treat employees with dignity and fairness. I think most Members would agree with me that the vast majority of employers take great pains to protect their employees because they recognize the employees' ability to directly affect a business bottom line, but a few employers do not.

An empty promise for comp time at an undetermined time with no meaningful enforcement is not an incentive to protect workers. It creates hardships for working families in scheduling child care, it means a loss of income, and it is a cut in pay. That is what we have to remember. It is a cut in pay.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise in opposition to this motion to instruct. The Department of Labor is attempting to modernize overtime pay regulations that are over 50 years old, yet there are many that are distorting their common-sense efforts. The Fair Labor Standards Act of 1938 has not been amended since 1949, and only protects overtime pay for employees earning under $8,060, below even minimum-wage standards.

The Department of Labor has proposed new regulations that would guarantee overtime pay for anyone making less than $22,100. This means an additional 1.3 million low-income workers will be guaranteed overtime pay regardless of any other criteria.

Critics have argued that anybody making over $22,100 would lose their ability to receive overtime pay. That is not correct. The truth is, according to the Department of Labor's new standards, only certain white-collar employees who meet specific tests will qualify for exempt status. All other employees, regardless of their income, would be guaranteed overtime pay.

Mr. Speaker, I urge my colleagues to help give overtime pay security to 1.3 million additional low-income workers and support the new 541 regulations and oppose the motion to instruct.

Mr. OBEY. Mr. Speaker, I yield myself 20 seconds.

Again, that was a nice speech, but it was prepared against a proposition that is not before us. The proposition before us does allow the modernization of the law.

There, I have said it. I have said it five times in a row. It would be nice if someone heard it and paid attention. Otherwise we might as well adjourn because we are talking past each other.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, to reiterate what the gentleman from Wisconsin has just said, the 1.3 million people are protected by the gentleman's motion, and they will be advantaged; but the millions of people who will be disadvantaged by the proposal of the Department of Labor will be protected by the gentleman's motion. That is the issue.

Under the Bush administration and this Republican Congress, our economy has lost more than 3 million jobs, including 2.5 million manufacturing jobs. President Bush has the worst job creation record of any President since Herbert Hoover, and with a new unemployment figure out tomorrow, the Department of Labor reported today that jobless claims rose last week to nearly 400,000 Americans.

The fact is working families have borne the brunt of the Republican Party's failed economic policies. The poverty rating increased last year for the second consecutive year. The ranks of the uninsured swelled by 2.4 million. The median household income plunged for the third straight year under this administration.

While millionaires reaped an average tax cut of $93,000 from the GOP's tax bill this year, this Republican Congress has failed to extend the child tax credit to families earning less than $26,000, 6.5 million families, 12 million children and 200,000 military personnel.

Now, as if to add insult to injury, the GOP is pushing new regulations that would strip more than eight million people from their eligibility for overtime pay under the Fair Labor Standards Act on which they rely to support their families, pay college tuition for their kids, pay their mortgage payment and car payment. The Secretary of Labor claims that businesses are lobbying for that change, and listen to this, ''not because they are getting any particular benefit but because they just want clarity.'' Give me a break.

''Firms that represent employers can hardly contain their glee,'' according to the Washington Post. Hewitt Associates, a human resources consultant, said ''Employees previously accustomed to earning, in some cases significant amounts of overtime pay, would suddenly lose that opportunity,'' under the Department of Labor's proposal. And the law firm that represents clients who will be advantaged by this bill said, ''Thankfully, virtually all of these changes should ultimately be beneficial to employers.'' I am for benefiting employers, but I am not for not benefiting employees.

Mr. Speaker, this Democratic motion instructs conferees to accept the Senate-passed provision to block the Bush administration's proposed rule changes that adversely affect employees while keeping those that do.

Mr. Speaker, we have been advised that profanity was out of order on this floor; doing things that are profane ought to be as well.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the subcommittee.

Mr. CUNNINGHAM. Mr. Speaker, it is just wonderful being on the House floor with no partisanship. Is not it wonderful for Democratic leaders to stand up and say how bad the Republicans are doing, no matter what bill we have up here?

We want to throw people out of houses, we want to do this, our economic policies are terrible, it is destroying the country. Well, there is an election coming up, Mr. Speaker, and they are desperate.

In 1993, they had the highest taxes against anybody ever. They cut military COLAS, they cut veterans' COLAS, they cut the gas tax. When they promised tax relief on the middle class, they increased that tax on the middle class. And then in 1994, we limited the tax on Social Security, we restored the veterans' and military COLAS. We cut the gas tax that they had in a general fund. And guess what, we eliminated most of their stuff.

And in 2000 there started to be a recession, and we had tax relief. According to Alan Greenspan that recession slowed, and then we had, guess what? 9/11. The billions of dollars that it took to restore not just New York, the Pentagon and the war on terror, but look at what it did to the stock markets and the economy. So I would curb a little bit of the partisanship from the Democrat leaders. They want this body, the other body, and they want the White House, and they are likely to say just about anything when they get up here, but it is not true, Mr. Speaker.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I have been here 17 years. I was not going to speak on this issue, but as I sat in my office I heard speaker after speaker mention the word ''firefighter.''

Now, I came to the Congress as a firefighter, and I spent the first part of my career when the other side had control of this body fighting on behalf of firefighters. It was not the other side who delivered a program for grants for fire departments in America, although we had bipartisan support, it was when we controlled the Congress that we passed the Assistance to Firefighter Grant Program, which this year is providing $750 million for fire departments across the country.

And it was not during the control of the other side, despite the rhetoric that we have heard out of the leadership on that side, and will hear later on, that we do not care about firefighters. It was not the other side when they controlled the Congress that started a grant program to hire more firefighters, but when the defense bill passes next week on the floor of the House, the conference report, there will be a $7.6 billion program for firefighters. That was done under Republican control of the Congress.

So when my colleagues stand up and say we are hurting firefighters, cut me a break. In my 17 years here, we have worked in a bipartisan way for firefighters, and for them to come to the floor today and say that somehow this is meant to gut them is an absolute lie.

I just got off the phone with the firefighters' union, the firefighters' union. I set up the meeting with Secretary Chao and the firefighters over a month ago, and they are satisfied and they told me I could say this on the floor, they are satisfied with the assurances they have that they will not be impacted by this, and neither will the paramedics and neither will the FOP and the first responder community.

So for the other side to stand up here and use that over and over again galls me because where were they when I was fighting for the firefighters for the years that they controlled this body? What did you do to give us a grant program? What did you do to put more firefighters into the cities? You did nothing. You did nothing. For you to stand up here and say somehow you are protecting the firefighters, you can be as smug as you want as you sit there, but you did nothing to support the firefighters and the emergency responders of this country.

This motion to instruct does not protect them. They are already satisfied. The leadership of the union told me that 10 minutes ago, so I stand up here and tell my colleagues on the Republican side, you can vote against this motion to instruct, and you are not going to hurt any firefighters. You are not going to hurt any paramedics or nurses or police, and their national associations will tell you that. Sure, they are not going to endorse this because the AFL–CIO has come out against it, but the facts are the facts.

So I ask my colleagues on the both sides of the aisle to consider it based on the facts and do not listen to the rhetoric that I heard out of every Member on the other side, or I would not have been here for the last few minutes' rail about how they are concerned about the Nation's firefighters. I urge Members to oppose the motion to instruct.

□ 1400

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Despite the hyperventilation we have just heard, the fact is that there will be up to 8 million workers hurt unless this motion is passed.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. OBEY. No, I will not. The gentleman has had his time to bloviate. This is my time.

As I was saying, Mr. Speaker, the issue is very simple. Are you going to protect the up to 8 million workers who will be knocked out of protection for overtime if this motion does not pass? That is the only issue before us, despite all the other claims to the contrary. In a few short moments, we will see who cares about workers and who does not.

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

Mr. REGULA. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), the chairman on the committee of jurisdiction for authorizing legislation of this type.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague for yielding me this time and remind our Members that there is an awful lot of rhetoric that has been said on the floor today. If you had listened to all of it, you would think that the Labor Department was out to eliminate the overtime pay in America. Nothing could be further from the truth. We all know that the Fair Labor Standards Act that controls who gets overtime and who does not, what all the workplace rules are, has not been updated since I have been born, 1949. We all know that for decades we have had difficulties, employees have had difficulties, employers have had difficulties understanding the regulations in terms of who is entitled to overtime pay and who is not.

When you have all this confusion, guess who decided to come into the middle of this? The trial lawyers, of course; and they are filing class action lawsuits, trying to make some determination about what the law is.

So the Department of Labor has taken the courageous position of going out and issuing, or attempting to issue, regulations about bringing clarity to the situation so that workers will know whether they are entitled to overtime pay and employers will know what the law means, who is covered and who is not.

I think that the regulations that we have, the draft regulations that have been issued, needed a little work. I think most Members would agree. That is why the Department of Labor got 80,000 comments on their proposal. The Department currently is in the process of looking at those 80,000 and trying to determine whether they need to make adjustments.

Under the proposal, those people who today make a little over $8,000 are guaranteed overtime, regardless of what their position is. Under the proposal, that number would rise to $22,100. If you make that amount or less, you are guaranteed overtime. That would affect over 1 million American workers who will be guaranteed overtime who may not be guaranteed that they will get it today.

But why do we want to stop this proposal from moving? We do not have to do that. We do not know what the final regulations are going to be, and we do not know when they are going to come. We have got the Congressional Review Act if you disagree with what they finally propose, but I think bringing clarity to this situation is very important.

Let me also say that the effect of the gentleman's motion to accept the Harkin language from the Senate would effectively only do one thing, allow the Department to do one thing, and that would be to raise the threshold from over $8,000 to $22,100. Because it also goes on to say in the Senate language that any proposed regulation that would eliminate one person's ability to get overtime means that the proposal cannot go into effect. No job reclassifications. No new titles. It effectively eliminates all the modernization that we are trying to seek in these new regulations. That is unfair to American workers, and it is unfair to employers who are stuck in the dilemma today that we need to resolve.

Mr. Speaker, I would suggest to all of my colleagues today that we ought to allow this procedure to go ahead. Let the Department of Labor look at those 80,000 comments and make decisions about what the draft says and what the final regulations really ought to be. If in fact they issue regulations, we have the Congressional Review Act instituted in this Congress in 1995 to allow us under an expedited procedure in both the House and Senate to look at the regulations; and, if we disagree with them, we can overturn them just like we did with the ergonomics regulations that were issued 1 week after President Bill Clinton left office.

Vote ''no'' on the motion to instruct.

The SPEAKER pro tempore (Mr. SHIMKUS). The time on the majority side has expired.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time; and I thank him for his extraordinary leadership on behalf of working families in America.

This motion to instruct which he is bringing to the floor and supported by the ranking member on the committee of authorization, the gentleman from California (Mr. GEORGE MILLER), is a very, very important piece of legislation to support the position that was taken in a bipartisan way in the other body.

Much has been said earlier about the use of profanity on the floor of the House and that it should not be allowed, and we heard the earlier heated debate over that.

What about obscenities, Mr. Speaker? Are obscenities allowed on the floor of the House? Because what is in this legislation as it would come to the floor without the motion to instruct is an obscenity. It is an insult to America's working families.

We expend a great deal of rhetoric around here about how supportive we are of working families in our country. They are important to us. They do our work. They raise our families. Indeed, we are all a part of it. So when we see an initiative from the administration that undermines the ability of parents to provide for their families, I call that an obscenity.

The Bush administration proposal would mean a pay cut for 8 million workers in our country. Millions of workers depend on that overtime pay to make ends meet. Indeed, it triggers their ability to get a mortgage or a car loan or send their children to school. In the year 2000, overtime pay accounted for about 25 percent of the income of workers who worked overtime. Millions of workers who receive time and a half for their overtime work today will be required to work longer hours for less money under the Republican proposal. Millions more who have long depended upon overtime work to help make ends meet will face effective pay cuts as opportunities to work overtime are diminished. Even workers still covered by overtime pay could suffer a pay cut because employers would shift overtime assignments to the millions of workers who would no longer be entitled to overtime pay.

The Bush administration proposal would mean longer hours, effectively undermining the 40-hour workweek. The many millions of workers denied overtime protection under the Department of Labor proposal would no longer be paid anything, anything, for their overtime. More work, less pay. If employers no longer have to pay extra for overtime, they will have an incentive to demand longer hours; and workers will have less time to spend with their families.

This ill-advised proposal from the administration comes at a very bad time for our economy. Certainly Democrats and Republicans alike want to modernize the regulations regarding overtime. But we must not use that modernization to undermine pay and working hours for America's families.

But this proposal, as fraught with pain as it is for America's families, comes at a time, in fact, on the day when the new figures were released just today on unemployment claims. They are up nearly 400,000, the place where some economists think that you are at the definition of weakness in our economy in terms of the labor market relationship. This is on top of the 3.3 million jobs that have been lost during the Bush administration, the worst record of job creation of any President. He is in the category of Herbert Hoover.

Every President since Herbert Hoover has created jobs. Some more, some less. Under President Clinton, 22 million new jobs were created. Under President Bush, to date, over 3.3 million jobs have been lost. The figures for first-time people applying for benefits again is in the record-breaking category.

So, in that context, we have a regulation modernization being brought to the floor of this House that is very much needed to be amended; and that is what our distinguished ranking member on the committee is doing, along with the gentleman from California (Mr. GEORGE MILLER).

Median household incomes have already fallen $1,400 since Bush became President. Now he wants workers to be paid even less. Millions of workers who now receive time and a half for their overtime will be required to work longer hours, more hours for less pay. Millions of Americans depend on overtime pay, but the Bush proposal would deny overtime pay to 8 million workers who now earn such pay. It bears repetition.

In times of elections and even just to measure the popularity of a President, there is a question that is asked by pollsters that says, cares about people like me, yes or no. Today, this House of Representatives has the opportunity to say to the American people that we care about people like them. We care about middle-income working families.

This is not a labor issue. These are people who are not organized. Union people have their pay and working conditions and hours established in contracts. These are about other workers in our country.

Again, other speakers have gone into detail about how if you are just seen as supervising other workers, if that responsibility is yours, then you are not eligible for overtime. So the harder you work, the better you do, the less pay you will make. How can that possibly be fair? I think it is not only unfair, I think it is an obscenity.

Due to the remarks made earlier about profanities not being allowed on the floor, I do not think obscenities should be, either. That is why I commend the very distinguished gentleman from Wisconsin for presenting the motion to instruct for this House to agree in conference to the language of the Senate, to the Harkin amendment, if that is allowed to be said on the floor.

Mrs. CHRISTENSEN. Mr. Speaker, I rise to support this motion to go to conferees and to accept the important Senate provisions which would prevent the administration from once again taking their failed economic policies out on working families. We must block the provision which would deny the overtime that may be the only thing keeping many families going.

But also of great importance to me, and to millions of Americans from our racial and ethnic minority populations are the requests we made as this bill went through the subcommittee.

First, we would ask reconsideration be given to several measures that deal specifically with minority health.

Mr. Speaker, we would ask that in light of the increasing toll of HIV/AIDS on people of color, which cry out for the need for more funding that the Conference reconsider funding the Minority HIV and AIDS Initiative at the full $610 million requested, and that the language submitted also be included. I am deeply concerned by recent CDC reports regarding the instability in its recompetiton process and the strategy to only work with HIV positive populations. I believe that the HIV/AIDS epidemic demands a comprehensive prevention effort that includes primary and secondary approaches.

I would also submit that the escalating disparities in health and death rates for people of

color that they requested for $66 million for the Office of Minority Health (OMH). OMH is the Department of Health and Human Services' (DHHS) lead office for improving the health status of racial and ethnic minorities; $225 million for the National Center for Minority Health and Health Disparities to further address minority health and health disparities and to help improve the infrastructure associated with this research; as well as a $120 million for the Racial and Ethnic Approaches to Community Health (REACH) grants initiative aimed at helping to eliminate disparities in health status experienced by ethnic minority populations in cardiovascular disease, immunizations, breast and cervical cancer screening and management, diabetes, HIV/AIDS and infant mortality also be considered.

Of equal concern and need is the request for full funding $45 million for the Health Careers Opportunity Program, (2) $45 million Minority Centers for Excellence, (3) $55 million for Scholarships for Disadvantaged Students, (4) $4 million for Faculty Loan Repayment and Faculty Fellowships and (5) $160 million for the Public Health Improvement of Centers for Disease Control. Diversity in the health professions, including increasing the proportion of under represented U.S. racial and ethnic minorities among health professionals is a requirement to ensure competent service in our diverse Nation, elimination of health disparities and health for all.

Again, to help close the health disparities in our society, we ask you to urge the conferees to support the request of the Congressional Black Causus. I have attached a copy of my statement made before the Appropriation subcommittee to review the necessary justification. And I urge my colleagues to support this motion to go to conference.

STATEMENT OF HON. DONNA M. CHRISTENSEN BEFORE HOUSE APPROPRIATIONS COMMITTEE, SUBCOMMITTEE ON LABOR, HEALTH AND HEALTH SERVICES AND EDUCATION, MAY 6, 2003

Thank you Mr. Chairman, Ranking member and other members of the committee, I appreciate the opportunity to testify on this important panel again this year.

You already have my written testimony which contains the details of the specific funding and language requests. Although I will be speaking specifically to issues in the African American communities, my remarks are generally applicable to all communities of color and many rural communities as well.

Let me say at the outset Mr. Chairman, that my colleagues and I remain grateful to you and your colleagues for the support you have given us both on the Minority HIV/AIDS Initiative, as well as on our efforts to end the disparities in health care.

When I appeared before you last year, I began my remarks by informing the subcommittee of the fact that this great country of ours ranks at the bottom of all of the industrialized countries of the world with regard to the quality of our health care system, we are not where we should be given our resources in infant mortality, HIV/AIDS, immunization, substance abuse and many of the major diseases. In most cases the reason is because more than one third of our population remains outside of the healthcare mainstream.

Today almost 43 million Americans are uninsured, of which 50 percent are minorities: 18 percent of the total elderly population has no coverage at all; 1 out of 6 Americans do not have health insurance; more than 100,000 people lose their health insurance every day; and an astounding 23 percent of African Americans have no insurance at all.

Our health care system in this country is currently in peril. It is falling short on promise and contributing to the disabling illness and premature death of the people it is supposed to serve. The picture is the worst for African Americans who for almost every illness are impacted most severely and disproportionately—in some cases more than all other minorities combined. Every day in this country there are at least 200 African Americans deaths, which could have been prevented. Today we know that much of it happens because even when we have access to care, the medical evaluations and treatments that are made available to everyone else are denied to us—not only in the private sector but in the public system as well.

What I am here to try to do today is to leave you with one indelible message: that there are gross inequities in healthcare which cause hundreds of preventable deaths in the African American community everyday and which tear at families, drain the lifeblood of our communities, and breed an escalating and reverberating cycle of despair which this subcommittee has the power to end today if it has the will to do so.

The choice if it can be considered that, is either to write off human beings—our brothers and sisters—who make up this segment of our population, or to make the requisite investment in fixing an inadequate, discriminating, dysfunctional health care system.

The current strongly held-to ''cost-containment'' paradigm while it sounds good on the surface, has obviously not worked. We now have double digit increases in premiums in an industry that was to rein in its costs. What it did instead was create a multi-tiered system of care, both within managed care and without. Those at the lowest rungs of the system got sicker, the sicker, ie. more costly, were and still are being dropped, and those who were the sickest were and remain locked out entirely. So not only are health care costs continuing to escalate, the overall health picture in this country is worse than ever.

What we now have is a system, which continues the failed paradigm in which African Americans and other people of color who because they have long been denied access to quality health care, now experience the very worse health status. Not doing what is needed to change this is to threaten the health of not just African Americans and other people of color but every other person in this country, especially at a time when we live under the cloud of possible bioterrorism.

Controlling the cost of health care, which can only be done in the long term, will never be achieved without a major investment in prevention, and leveling the health care playing field for all Americans through fully funding a health care system that provides equal access to quality, comprehensive health care to everyone legally in this country, regardless of color, ethnicity or language.

The funding requests I am outlining today are the bare minimum to ensure that our children have the opportunity for good health, that there are health care professionals who can bridge the race, ethnicity and language gaps to bring wellness within reach of our now sick and dying communities, that states and communities will receive the help to fill the gaps and repair the deficiencies of access and services, and which will enable the affected communities themselves to take ownership of the problems as well as the solutions to their increasing healthcare crisis—a crisis that threatens the health and security of all Americans.

If we have learned nothing in the last 10 years, we should have learned that cost containment strategies in our unequal system of care can never bring down healthcare costs. We can only insure that quality health care will be within the reach of future generations if we make a major investment in prevention and increasing access to care now.

On March 20, 2002, the Institute of Medicine (IOM) released a landmark report entitled: Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care which was requested by Congressman Jackson. Among other key findings, the report documented that minorities in the United States receive fewer life-prolonging cardiac medications and surgeries, are less likely to receive dialysis and kidney transplants, and are less likely to receive adequate treatment for pain. Its first and most telling finding states that ''racial and ethnic disparities in healthcare exist and, because they are associated with worse outcomes in many cases, are unacceptable.''

And so I urge the committee to give serious and favorable consideration to our funding requests. Because of time limitations let me focus on just a few areas contained in the request.

$66 MILLION FOR THE OFFICE OF MINORITY HEALTH, OS, DHHS

As the Department of Health and Human Services' (DHHS) lead office for improving the health status of racial and ethnic minorities, the Office of Minority Health (OMH) conducts and supports health promotion and disease prevention programs and activities designed to help reduce the high rates of death and disease in communities of color. OMH also serves as one of the focal points for the Department's initiative to eliminate health disparities. By increasing funding to $20.9 million, this office will be able to expand OMH's elimination of health programs in prevention, research, education and outreach, capacity building, and the development of community infrastructure. The increased funding is also needed to fund the State Partnership Initiative Grant Program; Cultural and Linguistic Best Practices Studies; State Health Data Management; Community Programs to Improve Minority Health Grants; Center for Linguistic and Cultural Competence in Health Care; Eliminating Obstacles to Participating in Government Programs; Technical Assistance to Community Health Program; and Community-Based Organization Partnership Prevention Centers.

$225 MILLION FOR THE NATIONAL CENTER FOR MINORITY HEALTH AND HEALTH DISPARITIES (NCMHD), NIH

Funding is needed to develop and implement programs necessary to further address minority health and health disparities and to help improve the infrastructure associated with this research and outreach. In addition, the loan repayment payment must be expanded to include master degree graduates from schools of public health and public health programs to ensure that efforts to build and disseminate research-based health information are intensified. As required, the Center is currently developing a strategic plan to guide the Center's efforts. To be effective, the plan must include and reflect the direct input of the NIH institutes and centers; consumer advocacy groups; the public; researchers; professional and scientific organizations; behavioral and public health organizations; health care providers; academic institutions; and industry. The resulting plan is needed to serve as a fundamental blueprint for the Center's activities, as well as a vehicle for helping to ensure a coordinated and effective response to minority health and health disparities.

$120 MILLION FOR THE RACIAL AND ETHNIC APPROACHES TO COMMUNITY HEALTH (REACH), NATIONAL CENTER FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION, CDC

The REACH program is a cornerstone CDC initiative aimed at helping to eliminate disparities in health status experienced by ethnic minority populations in cardiovascular disease, immunizations, breast and cervical cancer screening and management, diabetes, HIV/AIDS and infant mortality. The increase is needed to fund additional Phase I planning grants, Phase II implementation and evaluation grants, expand and enhance technical assistance and training, and apply lessons learned. REACH received 211 applications in its first year, but only had enough funding to make 31 awards, leaving a very large number of meritorious projects unfunded. REACH must have the resources necessary to capitalize on the strengths that national/multi-geographical minority organizations can provide the initiative.

$300 MILLION FOR THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY (AHRQ)

At a hearing before the Criminal Justice Subcommittee of the Government Reform Committee on May 21, 2002, AHRQ Acting Director Dr. Carolyn Clancy described the initiatives undertaken by her agency to attack health disparities. One of the most important of these is the EXCEED program, which funds Centers of Excellence to eliminate health disparities in nine cities around the country. These include efforts to address diabetes care for Native Americans, health disparities in cancer among rural African American adults, and premature birth in ethnically diverse communities in Harlem, New York. According to Dr. Clancy, ''EXCEED encouraged the formation of new research relationships as well as building on existing partnerships between researchers, professional organizations, and community-based organizations instrumental in helping to influence change in local communities.''

The EXCEED program exemplifies the type of initiative recommended by the IOM report, which urged ''further research to identify sources of racial and ethnic disparities and assess promising intervention strategies'' (Recommendation 8–1). Yet the Administration's 2003 budget would curtail these efforts. In the budget, total AHRQ funding falls from $300 million in 2002 to $251 million in 2003. About $192 million of the AHRQ budget is protected from the cutbacks, meaning that $49 million must be trimmed from the remaining $108 million of spending, a 46 percent cut. The EXCEED program and other research grants to study and reduce health disparities fall into this vulnerable $108 million.

INCREASE OF $14 MILLION DOLLARS FOR THE U.S. DHHS OFFICE OF CIVIL RIGHTS (OCR) AND A REWORKING OF AUTHORIZATION LANGUAGE TO TIE IT TO DISPARITY WORK U.S. DHHS OFFICE OF CIVIL RIGHTS TO ENFORCE CIVIL RIGHTS LAWS

Enforcement of regulation and statute is a basic component of a comprehensive strategy to address racial and ethnic disparities in healthcare, but it has been relegated to low-priority status. The U.S. DHHS Office of Civil Rights (OCR) is charged with enforcing several relevant Federal statutes and regulations that prohibit discrimination in healthcare (principally Title VI of the 1964 Civil Rights Act), but the agency suffers from insufficient resources to investigate complaints of possible violations, and has long abandoned proactive, investigative strategies.

Despite an increasing number of complaints in recent years, funding for OCR remained constant in actual dollars from fiscal year 1981 to fiscal year 2003, resulting in a 60 percent decline in funding after adjusting for inflation. The decrease has severely and negatively affected OCR's ability to conduct civil rights enforcement strategies, such as on-site complaint investigations, compliance reviews, and local community outreach and education. Providing a substantial increase in funding for the Office of Civil Rights is necessary for OCR to resume the practice of periodic, proactive investigation, both to collect data on the extent of civil rights violations and provide a deterrent to would-be lawbreakers.

INCREASED FUNDING FOR INITIATIVES FOR HEALTH PROFESSIONS TRAINING

(1) $40 million for the Health Careers Opportunity Program ($5.2 million increase);

(2) $40 million Minority Centers of Excellence ($7.4 million increase);

(3) $52 million for Scholarships for Disadvantaged Students ($5.8 million increase); and

(4) $3 million for Faculty Loan Repayment and Faculty Fellowships ($1.67 million increase)

Diversity in the health professions offers numerous benefits, including ''increasing the proportion of under represented U.S. racial and ethnic minorities among health professionals''. (IOM Report). Such efforts were supported by HHS in the past, but now are threatened with extinction.

The spring 1999 issue of the HHS Office of Minority Health's newsletter Closing the Gaps focused on the theme of ''Putting the Right People in the Right Places.'' The newsletter highlighted the startling under representation of ethnic and minority groups within the health professions and stressed the important role of three programs: (1) the Health Careers Opportunity Program, which trains more than 6,000 high school and undergraduate students each year and is associated with acceptance rates to health professional schools that are 20 percent higher than the national average; (2) the Minority Faculty Fellowships Program, which addresses the problem that ''just four percent of faculty at U.S. health profession schools are minorities''; and (3) the Centers of Excellence Program, which works with Historically Black Colleges and Universities and Hispanic Serving Health Professions Schools to ''recruit and retain minority faculty and students, carry out research specific to racial and ethnic minorities, provide culturally appropriate clinical education, and develop curricula and information resources that respond to the needs of minorities.''

Unfortunately, the very same programs highlighted by HHS in 1999 as successful have disappeared from the President's 2004 budget. In fact, all of these programs received zero funding or are scheduled for elimination.

To insure that no one is denied necessary health care because of race ethnicity or language, they must have the tools to do their job. Bringing equity into our healthcare system demands a funding increase for this office.

$50 MILLION TERRITORIAL HOSPITALS AND HEALTH DEPARTMENTS

Mr. Chairman, years of Medicaid caps have and continue to create a crisis in the healthcare systems in the offshore territories. To address and resolve this, last year I requested that the sum of $50 million be made available to the secretary for territorial hospitals and health departments to close some of their critical health care gaps and repair infrastructure deficiencies. I repeat this request again for this year's appropriation.

Because of the Medicaid cap, and a match that is not indexed for average income level, both which are Congressionally set, we are unable to cover individuals at 100 percent of poverty—for the Virgin Islands it is closer to 30 percent below that income level. Under the cap, spending per recipient is at best one-fifth of the national average.

Our hospitals are struggling, because the cap prevents them from collecting full payments for the services they provide, and they are also unable to collect Disproportionate Share payments, despite the fact that about 60 percent of their inpatients are below the poverty level. About one third of these qualify for Medicaid, which as I indicated before, never fully reimburses them. The rest of their patients have no coverage whatsoever.

Long-term care is limited, and thus unavailable to persons and their families who need it, not because the rooms are not there, but because we do not have enough Medicaid dollars to pay for them, even though the federal funds are matched 2 to 1 by local dollars—far above our requirement. While many states are covering women and their minor children well above 100 percent of poverty, we cannot even come close.

Along with my fellow representatives from Guam American Samoa and Puerto Rico, I have introduced bills to both remove the Medicaid Cap as well as, for the first time, provide for the creation of a Disproportionate Share payment to our hospitals.

Our final request Mr. Chairman once again deals with the Minority HIV/AIDS Initiative. We are here today once again to request funding for the full amount of our request for the MAHI in the amount of $610 million. While our review of the current programs demonstrates the need for increased funding, in light of our other requests which all have the potential to impact this epidemic to some degree, and the budgetary constraints of our government we are requesting a need-based increase over our 2002 request of $70 million. We strongly believe that the $610 million request is absolutely necessary if we are to have any success whatsoever in stemming the tide of this epidemic which continues to ravage our communities.

Once again, the purpose of the special and targeted funding is to provide technical assistance and to increase the capacity of our own communities to administer programs aimed at prevention and treatment, and to bolster or build the infrastructure needed to make all life saving measures accessible.

The Minority HIV/AIDS request is not meant to be the total funding for communities of color but should be utilized in such a way to better enable our communities, that are hard to reach and out of the mainstream, to access the $8 billion plus that is available for HIV and AIDs.

It is also important to point out that as serious an issue as it is, HIV and AIDS is just one symptom of all that is wrong in our communities, many of which come under the purview of this subcommittee. This funding will not only be successful in the fight against long term HIV & AIDS but also in all other areas, if in the long term the underpinnings of our communities are also strengthened.

There is a critical part of the Minority HIV/AIDS initiative request, which does not involve money. It is one of language.

Mr. Chairman, the intent of the MAHI is to ensure that its funds, which are only a small part of overall HIV/AIDS funding, are used to build capacity within African American and other communities of color which are the ones now being disproportionately impacted. The current of the language initiative has not maintained that focus. We are therefore requesting that the original FY 1999 language be restored or be mirrored, in your 2004 bill, with the following change which I believe meets the concerns of the Department with regard to discrimination, while

empowering our communities which is the only way we can effectively control this and the other diseases which create the disparties.

In summary, I join my colleagues here this morning to call on this esteemed and distinguished subcommittee to make a commitment to eliminate the disparities that have existed for centuries and are increasing today for African Americans, and to finally ensure equality in health care for us and every one in this otherwise great country.

The cost in dollars today will be significant, but the cost in lives and to our economy in the future are risks that we must not take.

There is no question that health disparities are deeply rooted in our medical system and in our culture. Eliminating them is going to take a lot more than one leadership summit or one media campaign. It will take a long-term commitment. It will take a long-term investment.

This subcommittee and the larger committee have the power to eliminate disparities in health care. This is an important part of the stewardship on which we will all be judged.

Dr. Martin Luther King, Jr. once said, ''Of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' We have a moral obligation to end injustice in health care and health disparities among Americans. I urge my colleagues to support this request.

On behalf of the Congressional Black Caucus, and personally, I thank you once again for the opportunity to testify.

PRESS RELEASE

HOUSING AND URBAN DEVELOPMENT SENDS FUNDING TO THE VIRGIN ISLANDS

(WASHINGTON, DC, October 2, 2003).—Delegate to Congress Donna M. Christensen is pleased to announce that the following two agencies have received funding from the U.S. Department of Housing and Urban Development.

University of the Virgin Islands receives F'sted Development Grant

The University of the Virgin Islands will receive $541,000 in the form of a Historically Black Colleges and Universities grant. This grant will be used to address community development needs on the islands of St. Croix, specifically in Frederiksted. UVI and Our Town Frederiksted will revitalize neighborhoods and address critical community development needs. They will work on infrastructure improvements and community reinvestments to stabilize the town and build the economy of the area.

Housing receives $1.3 million in HOME Investment Partnership's Program

The Government of the Virgin Islands will receive $1,340,000 for Fiscal Year 2003 HOME Investment Partnerships Program. This program will include activities such as mortgage buy downs through construction of affordable housing and homebuyers assistance.

U.S. DEPARTMENT OF COMMERCE DELIVERS FUNDING

The Delegate is pleased to announce that the Virgin Islands Department of Planning and Natural Resources will receive $481,350 in grants from the U.S. Department of Commerce.

The first grant in the amount of $131,500 will provide financial assistance for National Centers of Central Coastal Ocean Science. The program will assist in the expansion of coral reef monitoring and resources assessments in the VI, through collaborative efforts among individuals from territorial and federal agencies and organizations. An effort will also be made to develop a Marine Park Monitoring Plan.

The second grant in the amount of $349,850 will be used for Coastal Zone Management Administration Awards program. This program will provide funding for the VI for our Coral Reef Management projects. This will include the implementation of an enforcement action plan, and education and outreach action plan and a water quality monitoring action plan for newly established East End Marine Park and the development of a research and monitoring action plan for the East End Marine Park.

Mr. CUMMINGS. Mr. Speaker, I rise today to lend my wholehearted support to the motion to instruct the conferees, offered by Mr. OBEY and spearheaded by Mr. MILLER of California, on the Labor, Health and Human Services and Education Appropriations bill, which would instruct the conferees to recede to the Senate and accept the Harkin amendment. This amendment prohibits the Department of Labor from issuing regulations that take away overtime protection from employees who are currently entitled to receive it.

Mr. Speaker, the national economy and our working families are struggling. This White House administration has the dubious honor of having the worst job creation record since the Great Depression. Since 2001, over 3 million jobs have been lost. The Nation's jobless rate hovers around 6.4 percent and is substantially higher in communities of color, at over 10 percent.

Additionally, the administration's rounds of tax cuts are projected to cost the Federal treasury $3.12 trillion over the next decade. We have gone from a $5.6 trillion surplus to a $4 trillion deficit. While real wages continue to fall, simultaneously the income gap continues to widen and middle class taxpayers are being asked to sacrifice more each day.

Mr. Speaker, now to add insult to injury, the Bush Labor Department is now proposing regulations that will hit as many as 8 million hard working American families. If these regulations are implemented the Federal Government will reach into the pockets of these hard working Americans and cut the overtime pay they depend on to pay their mortgages, feed and educate their children, care for their sick and elderly parents, and preserve their standard of living. It is estimated that overtime pay accounts for roughly 25 percent of the income of people who work overtime. Hardest hit will be our first-responders and healthcare professionals, amongst others.

Mr. Speaker, it is irresponsible to grant huge tax cuts to the wealthiest 1 percent of U.S. taxpayers while cutting the legs from underneath middle-class working Americans. Is this the message we want to send to those whom we have asked to sacrifice their sons and daughters in Iraq? To those who are sacrificing better schools, safer communities and access to healthcare while the Federal deficit grows exponentially, meaningful programs are cut and the wealthiest 1 percent enjoy an enormous $84,000 tax cut.

I urge my colleagues to protect middle-class working Americans by supporting this motion to instruct. Many American families are already struggling to make ends meet with one wage earner. Cutting overtime pay will put them in further economic hardship. Let's be fair to our nation's most valuable assets—our working men and women and their families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the assault on overtime pay is nothing less than an attempt to pick the pockets of millions of hardworking Americans.

By stripping 8 million workers of their right to be paid for the hours they work, Republicans have issued another callous insult to families struggling to make a living. Since many of those who will be affected are nursing professionals, police, firefighters and other ''first responders,'' it sends another stinging message to the people we turn to and who routinely undertake the most thankless tasks in our times of need.

Mr. Speaker, over 3 million Americans have lost their jobs since President Bush took office, and countless others don't appear in the employment statistics because they have given up hope of finding a job.

Isn't in enough that the Bush administration has presided over the loss of 3 million private-sector jobs. It has failed to raise the minimum wage. It is allowing millions of older workers to lose half their private pension benefits. It has denied unemployment benefits to millions of workers who exhausted their Federal unemployment benefits. It has gutted worker safety protections, and denied working family's tax cuts—including the child tax credit—while showering hundreds of billions in cuts to the wealthiest of Americans.

As an experienced nurse, I want to draw your attention to serious dangers posed by this measure which threatens not only the pay of millions of nurses and other health care workers, but also the safety of patients in our health care facilities.

Healthcare professionals, particularly nurses, are working an increasing amount of mandatory overtime, patient care and contributing to the ranks of the over 500,000 trained nurses who have left their field.

Mr. Speaker, the current nursing workforce is aging. The shortage of registered nurses in my home State of Texas is becoming more critical. Texas will experience a deficit of 10,000 RNs by 2005, 16,000 by 2010 and 50,000 by 2020, according to a July 2002 report from the Health Resources and Services Administration.

I am afraid that this will lead to drive even more nurses away from clinical settings at a time when the Nation is struggling to develop policies that will keep today's nurses at the bedside and attract more students into nursing for the future. It is unrealistic to imagine that nurses will remain in jobs where they have lost the guarantee that they will be paid premium wages, or any wages at all, when they are forced to work overtime hours.

Mr. Speaker, what in the world is it about Americans who are working hard to provide for their families that this administration just can't stand?

I urge my colleagues to vote ''yes'' on the motion to instruct conferees to accept Senate-passed provisions. We must block the Bush administration regulations that would deny overtime pay to millions of employees.

Ms. WOOLSEY. Mr. Speaker, I rise in support of the Obey motion to instruct conferees on the Labor-HHS Appropriations bill.

the Bush administration continues to have a failing record on supporting our nation's working families. Instead of giving workers a leg up, the administration continues to hold working Americans down. By altering overtime regulations this administration is cutting the pay for as many as 8 million workers. Among those workers are those critical to the safety of our communities: firefighters, police officers and nurses.

In these hard economic times, workers need all the help they can get to support their families and their homes. Instead of working to create jobs, this administration is working to undermine the jobs that already exist. By taking away overtime pay, they would be removing income that many of these already underpaid workers have come to rely on to make ends meet.

That's why I support the Obey motion to instruct because it will prevent the Department of Labor from issuing any regulations that take away overtime protection from workers who already qualify.

Mr. Speaker, we must show our nation's working families that we support them instead of taking away their hard earned dollars. I urge my colleagues to support the Obey motion to instruct.

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

The SPEAKER pro tempore. All time for debate has expired.

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 Wisconsin (Mr. OBEY).

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct on H.R. 2660 will be followed by a 5-minute vote, if ordered, on approving the Journal.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 11, as follows:

[Roll No. 531]

YEAS—221

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

NAYS—203

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

NOT VOTING—11

Brady (TX)
Dooley (CA)
Dreier
Eshoo
Evans
Fletcher
Hyde
Issa
Sabo
Saxton
Walsh

□ 1437

Mr. SOUDER changed his vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

APPOINTMENT OF CONFEREES TO H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. REGULA, ISTOOK, WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD, WELDON of Florida, SIMPSON, YOUNG of Florida, OBEY, HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the coming week.

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

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

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

Mr. Speaker, I would like to make all the Members aware that the House has completed voting for the day and the week. We will take any votes called on the three pending motions to instruct, we will take votes on those next week.

Regarding next week's schedule, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. At that time we expect to consider several measures under suspension of the rules, and any votes called on those measures will be called at 6:30 p.m. on that day.

On Wednesday, the House will meet for legislative business at 10 a.m. In addition to potentially considering additional legislation under suspension of the rules, Members should be aware that we may be considering a number of conference reports. These include, but are not limited to, H.R. 1474, Check Clearing for the 21st Century Act; the Fiscal Year 2004 Military Construction Appropriations bill; the Fiscal Year 2004 Department of the Interior Appropriations bill; the Energy and Water Appropriations bill; and potentially the Labor-HHS and Education Appropriations bill.

Finally, I would like to remind all Members that we do not plan to have votes next Thursday, October 9, or Friday, October 10. I thank the gentleman for yielding, and I would be happy to answer any questions he may have.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the majority leader. I appreciate the information the gentleman has given us. Essentially, we will be meeting Tuesday night and Wednesday next week.

The gentleman did not mention the Iraq supplemental, I do not believe. I would like to know because, obviously, that is a matter of great concern to every Member of this body and to the American people, when the gentleman expects to consider that supplemental appropriation on the floor. And additionally, can the gentleman assure Members that we are going to have a full consideration and fair process to consider this bill on the floor, a process that will allow a full debate so that Members will have the ability to address all of their concerns? They may well want to support it, but I think the Congress and the American people want to know exactly what we are doing.

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. The gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations has informed me that he plans to proceed with regular order. He also plans under that regular order to circulate the supplemental appropriations bill with committee members on Monday. Then he plans to hold a markup next Thursday and, assuming things go according to plan, the bill will lay over the requisite number of days, and we should be able to bring it to the floor the following week, the week of October 13, I believe.

□ 1445

Mr. HOYER. Is it the gentleman's expectation now that the bill as reported from the Committee on Rules to the floor will be subject to amendment?

Mr. DELAY. I anticipate that the bill will come to the floor as most appropriations bills do, and there would be pretty much an open rule. Yes, I would suspect so.

Mr. HOYER. Further conference reports from the Committee on Appropriations. The Majority leader mentioned several conference reports that would come up next week or may come up next week. I would note that neither the Medicare prescription drug legislation nor the child tax credit legislation is on that list, but could Members be told which of those that were listed are most likely to come to the floor? I know we have had them on the list a number of times. Does the gentleman have any greater feel for which bills would be most likely to come to the floor?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, of those that I listed, the Check Clearing for the 21st Century Act has already been filed, so we know that we will be voting on those. And we have every reason to expect that we have a good possibility of having the military construction and Department of Interior appropriations bills come to the floor. It may be a little more difficult to get Labor HHS to the floor.

As far as Medicare and its conference, the conferees have had formal meetings, meetings with the President, informal meetings in small groups. The conference chairman, the gentleman from California (Mr. THOMAS), is working nonstop to try to reach a final agreement before the end of the first session, which I hope we can conclude by the end of October.

Progress has been made, very good discussions have been held, and the future looks good for actually bringing a conference report on Medicare to the floor.

As far as the child tax credit bill, we are still having problems with the Senate accepting the fact that child tax credits should be a permanent thing and we should not raise taxes on families after a certain period of time. So, until the Senate agrees to that, I think that conference is going to have a very hard time.

Mr. HOYER. Mr. Speaker, reclaiming my time, I understand from those last comments, then, the position still is, if we cannot do it permanently we will not do it temporarily.

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield. The gentleman from Maryland (Mr. HOYER) is correct. Temporarily means that you cut taxes for a family and then raise them a year or 2 later, and we think that is incredibly unfair. We think people should not be charged for having children by the government, and it ought to be made a permanent thing.

Child tax credits are something that the American family enjoys. They like having more of their hard-earned money to pay for their children rather than for government, and we are standing with the American family.

Mr. HOYER. Reclaiming my time, I understand what the gentleman is saying about standing with the American families, but the American families, at least the 6 and a half million and 12 million children that we talked about and the 200,000 military families, are not getting relief because, as I understand it, they cannot get permanent relief.

I would suggest to the Majority Leader that we passed a major tax bill that expires in 2010. So by its definition, therefore, it was temporary in nature, and, notwithstanding that fact, we passed it. I would urge the majority to apply the same logic to the child tax credit, to those families making less than $26,000 in our society, most in need of help, very frankly, as opposed to those of us who are doing much better and some, of course, doing much, much better than we are doing but we are doing well. So I would urge the gentleman to look at that.

With respect to the Medicare conference, we have heard some information on this side that the President and some of the majority conferees have reached an agreement that there is going to be an effort to reach agreement by October 17 in the conference. Is that information accurate?

Mr. DELAY. Mr. Speaker, the information is accurate in the fact that it is a goal that both the House, the Senate and the President have placed on wrapping up the conference on Medicare. Obviously, this is probably the most complicated issue that we have had to deal with in many a year; and there are many different positions by many different Members, both in the House and Senate. So it is a very complicated issue; it is very difficult. People are working very, very hard to meet that goal. And if God is on our side, maybe we will meet the goal.

Mr. HOYER. I do not want to speculate on which side God is on the Medicare prescription drug bill. I have my own perspective, however, I will tell my colleagues.

The gentleman indicated that there are a number of meetings going on of conferees discussing this. And lamentably I want to tell the leader that the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. RANGEL), and the gentleman from Arkansas (Mr. BERRY) are not aware of any meetings that have occurred involving, at least, them; and they are conferees. If we are going to be able to pass this legislation, in my opinion, it will be necessary for us to proceed in a bipartisan way.

Could the gentleman comment on the fact that the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. DINGELL) and the gentleman from Arkansas (Mr. BERRY) have not been in any of these meetings to which he has referred?

Mr. DELAY. Just any formal meeting of the conference that has been held, the gentlemen he has listed have been invited to those meetings. The other meetings, the informal meetings and group meetings that have been held around the Capitol, the gentleman knows are being held with people that actually want to get a bill.

We are working with those, both Democrats and Republicans, who actually want to get a bill and are serious about negotiating that bill. And it is such a complicated bill. Different parts are being negotiated by different people. The gentleman knows how a conference can work and how difficult it is to hold it together. So to the extent that people want to actually get a bill to the President's desk, they are having great and strong input in the negotiations that are going on.

Mr. HOYER. Reclaiming my time, very seriously I want to tell the gentleman that any implication that the gentleman from Michigan (Mr. DINGELL), who has fought for Medicare and health care legislation longer, harder, than any member on this floor from either party, and whose father preceded him in that fight, is somehow not interested in passing a bill is inaccurate, Mr. Speaker. The gentleman made a mistake if that is his premise. I want to advise him, respectfully, that he is wrong.

I also believe that Mr. BERRY and Mr. RANGEL are extraordinarily interested in passing a bill. Now, their perspective may be different. As far as we know, there have been no conference meetings in the sense of the conferees getting together and discussing differences and trying to iron those differences out in the last 2 months.

Mr. DELAY. There have been formal conference meetings, and the gentlemen that have been outlined have been invited to those meetings.

Mr. HOYER. Mr. Speaker, rather than go back and forth on it at this point in time, I will be glad to ask Mr. DINGELL and Mr. RANGEL when the last meeting was that they were invited to.

Mr. DELAY. Mr. Speaker, I was at the last meeting; and it was last week with the President of the United States.

Mr. HOYER. That was a meeting with the President. I agree with the gentleman. It was not a conference meeting, however. It may have been a meeting with the President.

We hope that we will proceed.

The FAA conference report, we were told that that was going to be on the floor last week and this week. We understood that we would consider it this week. The rule was not brought up. Can the gentleman illuminate for the Members where that bill stands? I know the previous week we could not find the papers, as I recall. This week we understand the papers have been found, but we did not move ahead on that. Can the Majority Leader tell us why we have not proceeded on that and what he perceives to be the future of the FAA reauthorization bill?

Mr. DELAY. I appreciate the gentleman yielding.

As the gentleman knows, and people should take notice, that FAA activities are currently operating under the short-term continuing resolution that we passed last week. In the meantime, Chairman YOUNG and Chairman MICA are working with their Senate counterparts and the committee members on their conference committees to reach the necessary accommodations so that we can have the reauthorization signed into law before this current C.R. expires. So, work is ongoing. As soon as the agreements are made between the House and the Senate, I think we can proceed.

Mr. HOYER. I thank the gentleman for that information because I know we need to move ahead on that authorization. If the gentleman could answer the question, however, we understand there seems to be a disagreement. However, the House passed a provision that directed that there be no privatization of the air traffic controllers. The Senate passed a provision providing that there should be no privatization of air traffic controllers. But we understand there is a difference in the conference on this issue. Can you explain to me, Mr. Leader, when the House took a position on behalf of insuring on the continued public nature of the air traffic controllers and the Senate took the same position, why there might be a difference on that issue?

Mr. DELAY. Well, I have to admit to the gentleman that I am not privy to the intricate negotiations that are going on in this bill. We are leaving that up to the chairmen that are presiding over the conference committees. So I cannot answer the question because I do not know the machinations that have been going on in detail, and I certainly do not want to mislead the House.

Mr. HOYER. I thank the gentleman for his candor on that. Each of us finds ourselves in that position from time to time. I would urge the gentleman, however, because both Houses have taken the same position on that very critical issue, in my opinion, to the security of our Nation, if you might urge the conferees at least to take that item on which apparently the House and Senate both acted in concert off the table, it might facilitate the movement of the conference.

Mr. DELAY. I will certainly advise Chairman YOUNG and Chairman MICA of the gentleman's concern.

Mr. HOYER. Mr. Speaker, I thank the Majority Leader for the information.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2022

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2022.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003, OFFERED BY MR. INSLEE

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

The Clerk read as follows:

Mr. INSLEE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to confine themselves to the matters committed to conference in accordance with clause 9 of rule XXII of the Rules of the House of Representatives with regard to ''high-level radioactive waste'' as defined in the Nuclear Waste Policy Act of 1982 and other provisions of Federal law.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII the gentleman from Washington (Mr. INSLEE) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

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

Mr. Speaker, I advise other Members we do not intend to take our entire allotted time. We hope to go through this fairly expeditiously.

This is a motion brought to assure that nothing happens in the conference report that could jeopardize completion of our statutorily-mandated mission for the Department of Energy to complete the cleanup of about 100 million gallons of high-level radioactive waste now at various sites in the United States.

□ 1500

As Members know, we have created by an act of 1982, the obligation to complete a cleanup of those wastes that have been created by the Department of Defense activity, and this does refer to waste that is not commercial but rather through the Department of Defense.

In my State, for instance, there are 53 million gallons at Hanford, at Savannah River, there are several million gallons, in New York State, in Idaho, and we need to complete this cleanup. Unfortunately, for a variety of reasons the concern has been expressed that in the conference committee there could be an attempt to essentially give unfettered discretion to the Department of Energy to reclassify this waste, essentially give it a different name, rather than to complete with the certain rigor and completion of the type of cleanup that is now mandated in Federal law.

We think it is very important to clean up this waste rather than just to rename this waste. So we are bringing this motion to essentially move in that direction in this conference report.

I may note that we consider this a bipartisan effort. Attorneys general from the States of Washington, Oregon, Idaho and South Carolina, both Democrats and Republicans alike, have written to the Department of Defense urging that we work together with the States and the Federal Government to find a technological solution to these last remnants of the 100 million gallons, rather than try to end run through the conference committee.

So we look forward to working on a bipartisan basis. My friend, the gentleman from Washington (Mr. HASTINGS) certainly has knowledge of Hanford and others to work through this, but we want to make sure we do not go through the back door of the conference committee.

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

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

Mr. Speaker, I would indicate to my friend that there is no back room. We are doing everything in the front room.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington State (Mr. HASTINGS), from the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I appreciate the gentleman yielding me time. I thank the committee for their work on this and taking the position that they have had that they are simply not going to move forward on these delicate issues and extremely important issues with the States that are affected by this without the concurrence of those agencies within those States. I appreciate the gentleman taking that position.

Mr. Speaker, let me say very bluntly, as I can, that the Department of Energy language that was proposed and potentially proposed in this conference report was simply not acceptable to any of the States that were involved. I know they were not acceptable in my case because in the past I have been focused on trying to get these issues resolved with our State Department of Ecology who has jurisdiction in Washington State at Hanford. Because these things will not move forward, the acceleration that we have had success with at all of these sites, will not move forward unless you have the cooperation; and I have been focussed on getting that sort of cooperation enacted.

But I have to state what frustrates me in my case and specifically at Hanford is that I know, genuinely know, at that time Department of Energy and the Department of Ecology want to get this site cleaned up in a safe and timely manner. But I also have to say to be here on the floor and condemn the language that DOE had suggested does not solve this problem, and it will not resolve the long-term disputes that may arise in the future. So I do not consider that. This passed and will pass, of course, unanimously. This is not really a victory for the States. It is not a victory for the DOE.

The reason I say that, once again, Mr. Speaker, is to reemphasize the States, in my case the State of Washington Department of Ecology and DOE have the shared responsibility to resolve these matters and to move forward and keeping the cleanup, the acceleration, timely and safe for the workers at all these sites.

Mr. Speaker, I intend to continue to work on this to try to resolve this because, in my view, the most important thing we can do for our constituents is to make sure that this acceleration and cleanup goes in a timely and safe manner.

Mr. Speaker, I once again want to thank the subcommittee chairman, the gentleman from Texas (Mr. BARTON) and the committee as a whole for their commitment to making sure that any legislation that is offered has the concurrence and the input of the States that are involved.

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

Mr. INSLEE. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPRATT).

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

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

Mr. Speaker, South Carolina is an unenviable host to one of the largest concentrations of military-generated radioactive waste in our country, if not in the world. There are over 37 million gallons of highly-radioactive waste stored in 49 single-lined tanks at the Savannah River site. This waste contains over 400 million curies of radioactivity and represents potentially the single most hazardous threat to the environment and to the people of South Carolina and Georgia, and for that matter, the whole region because it sits atop the Tuscaloosa aquifer.

There are millions more gallons of this kind of waste stored at DOE sites from upper New York State to Washington State.

Over the years, the Department of Energy has worked with these States, my own State of South Carolina, to develop plans to manage the waste by separating out the highly-radioactive contents, transform it into a glass waste solid, suitable for shipment to a national repository for ultimate disposal, and until then, store it on-site in a special interim storage facility. The remaining waste, the residue containing relatively small amounts of radioactivity, is supposed to be mixed with a special sort of concrete and disposed of on-site.

Recently, the Department of Energy proposed to dispose directly of approximately 20 million additional curies of this high-level radioactive waste right there on-site, at the Savannah River site, which is a major change in plans. This amount of waste on-sight will require about 300 years of oversight and maintenance.

The Department of Energy, DOE, however, ran into a problem with this approach. The Nuclear Waste Policy Act requires this type of high-level waste to be disposed of at a national repository. So to implement that proposal, the Department decided simply to reclassify the waste. They would not call it high-level waste anymore.

Well, they ran into another problem. The United States District Court ruled that the DOE order reclassifying this waste violated the statutory law, the Nuclear Waste Policy Act. The four affected States, Idaho, Washington, Oregon and South Carolina, all filed briefs in opposition to DOE's proposal and in effect they prevailed.

South Carolina, along with three other States involved in the district court action, has offered through a joint letter with the other States to the Secretary of Energy to work with the Department of Energy to develop a waste classification strategy that will ensure effective and cost effective and timely disposal of high-level waste in a matter that is consistent with the court decision. We are not trying to hold anybody up. I can assure you that the House Committee on Armed Services, on which I sit, is willing to work with the Department of Energy in next year's authorization process to address this matter in the proper form, with hearings, with questions and with the right kind of legislation.

But instead of engaging in earnest, the Department decided to appeal the district court decision but also to come to Congress with this proposal, to amend the Nuclear Waste Policy Act to allow DOE to determine how much high-level waste it can reclassify and directly dispose of it at several sites, including the Savannah River site. These provisions were not included in either bill, House or Senate. There were no hearings in either committee, House or Senate. This was to be added to the conference report as an out-of-scope provision.

If enacted, this proposal would allow DOE virtual carte blanche to reclassify high-level radioactive waste. This will create lower standards for storing, lower standards for treating, lower standards for processing these radioactive materials, making it all the more likely that some day a dreaded accident will occur, and we will have irreparable harm done to our ground water, our streams, the Tuscaloosa aquifer, affecting not just South Carolina but Georgia and much of the Southeast.

It should not come as any surprise, therefore, that the attorneys general of all four States have vigorously objected in writing to DOE's legislative proposal. In fact, these AGs have called the changes wholly unnecessary.

In conclusion, Mr. Speaker, to change a law as important as the Nuclear Waste Policy Act in this manner, at the 11th hour, without hearings, without a full discussion by all the stakeholders as an out-of-scope provision to a conference report, is inappropriate in this case, and is a precedent that we, as a Congress, should not create for future cases.

So I commend the gentleman from Washington (Mr. INSLEE) for his motion; and I urge every Member of the House on both sides of the aisle to vote to add this instruction to the conferees on the pending bill.

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

Mr. Speaker, I yield to the gentleman from Washington (Mr. HASTINGS) for a question.

Mr. HASTINGS of Washington. Mr. Speaker, I just want to clarify the point, that it is your intent, as the subcommittee chairman and the chairman of the committee, that you will not proceed on this sort of legislation without the concurrence of the States that are affected, which, of course, are South Carolina, Idaho and Washington State.

Mr. BARTON of Texas. Mr. Speaker, that is not only my understanding, that is also the full committee chairman's understanding, and that is the understanding of the chairman of the conference, Senator DOMENICI.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for his commitment.

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

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I will not be long-winded.

Let me simply say, we do not oppose the Inslee amendment on the motion to instruct the conferees. We are prepared to accept it. We think it is an amendment that has merit, obviously, as we have heard from the other gentleman from Washington (Mr. HASTINGS), the gentleman from South Carolina (Mr. SPRATT) who just spoke. These are issues that are serious and that need to be addressed.

We can say that we had no intention to put in any language on this issue in the conference report unless we did have concurrence and agreement of the States and the Department of Energy. It is an issue that we are working on seriously.

It is unlikely that there will be specific language on this issue in the conference report, but certainly, if we consider it, we will work with the gentleman who offered the motion to make sure that the States involved are consulted with.

Let me indicate at the outset that this side is prepared to accept the motion. As the gentleman knows, it is nonbinding.

Let me also inform the gentleman that this issue is not one that either the Chairman of the conference from the other body or I are actively seeking to put into the conference report.

Having said that, DOE's high level waste problem is a complex issue that deserves the attention of the Congress. The Energy and Commerce Committee held a hearing on this issue in the Oversight and Investigations Subcommittee in July. We heard testimony from the States of Washington, Idaho, and South Carolina, where much of DOE's radioactive wastes are located.

At the hearing, the GAO recommended that Congress clarify the high level waste definition, so that DOE can settle on a strategy and move forward with cleanup plans at Hanford, Savannah River, Idaho, and other sites. Due to a recent Federal district court decision, it is uncertain whether DOE can proceed with its cleanup plans at these sites.

It is important that DOE reach agreement with the affected States on the appropriate solution to this matter. Without clarification of DOE's authorities with respect to high level wastes, we may experience cleanup delays as DOE tries to settle this in the courts. DOE has recently estimated that if Congress does not address this matter, we may incur an additional $60 billion in cleanup costs.

The gentleman from Washington should know that following the filing of his motion on Tuesday, we were informed by the Department of Energy that they are in advanced negotiations with affected governors on a solution. So while I have no objection to the motion today, I do want to put the House on notice that if the DOE and the affected States arrive at some kind of agreement, then I do anticipate that the administration will request that we include it in the conference report on H.R. 6. Not having seen the agreement, of course, I can't say with any certainty whether I will recommend honoring that request, but I intend to give it every consideration should it be transmitted.

THE SECRETARY OF ENERGY,
Washington, DC, October 2, 2003.

Hon. BILLY TAUZIN,
Chairman, House Energy and Commerce Committee, Washington, DC.

DEAR MR. CHAIRMAN: In early August, I transmitted to the Congress a legislative proposal designed to assure that the Department of Energy would remain able to exercise its longstanding authority to classify radioactive waste from reprocessing according to the risk it presents to human health and safety. This authority has been cast in doubt by a recent District Court decision. Failure to resolve this uncertainty could result in decades of delay in cleanup and increased risk to public health and safety.

In response to issues raised by stakeholders regarding this proposal, the Department has been in discussions with interested parties concerning revised language. These discussions remain ongoing. Legislation of this nature is a priority for the Department because it is critical to allowing us to proceed with confidence with our plans to accelerate cleanup at the sites where this material is located.

Contrary to some press reports, the Department is not seeking authority to ''reclassify'' high level waste so as to dispose of it anywhere other than at a repository for spent fuel. Rather, to repeat, all we are seeking is confirmation from Congress of our longstanding authority to classify various material from reprocessing according to the risk it presents so that it can be disposed of in a manner appropriate to those risks. Any waste classified as low-level waste would have to meet performance standards for disposal of low-level waste.

Our hope is that if a negotiated solution is reached, it can be included in the H.R. 6 Conference Report.

Sincerely,

SPENCER ABRAHAM.

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

Mr. INSLEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY), a great advocate for the State of Nevada.

Ms. BERKLEY. Mr. Speaker, I rise in support of the Inslee motion to instruct conferees.

As everybody in this body knows, the State of Nevada has been unfairly and inappropriately singled out as the Nation's only high-level nuclear waste dump. I am strongly opposed to tens of thousands of tons of radioactive waste being stored in a repository in Yucca Mountain less than 90 miles from Las Vegas, Nevada.

I am also concerned about other DOE actions that could jeopardize the safety of millions of Americans throughout the country.

The DOE is trying to arbitrarily redefine nuclear waste stored in tanks in Washington and South Carolina and Idaho, that have already been classified as high-level, as low-level waste to avoid dealing with the problems it faces in the cleanup and disposal of high-level nuclear waste. Some might claim that DOE's plan would stop more waste from going to Nevada. The truth is that Yucca Mountain is already projected to be full.

As Nevadans know all too well, the DOE never lets the facts stand in the way of its decision making. The residents of Washington and South Carolina and Idaho are now finding out what the people of Nevada have known for years. The Department of Energy makes up the rules as it goes along. If it confronts an obstacle that it is unable to overcome, it simply changes the rules.

Rather than working with the States and local residents and the EPA to find a solution based on sound science, DOE is trying to ramrod through Congress its decision to change the classification. The courts have told the DOE no. The States have told the DOE no. And now the DOE has turned to the Members of Congress in a last-ditch effort to get its way.

Congress should not enable the DOE to reclassify this waste without regard to human health or the environment.

I urge my colleagues to support the Inslee motion to instruct to send a message to the DOE that it must learn to live within the rules and within the law.

□ 1515

Mr. INSLEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD) who represents the third district, which is down river in the Columbia River from the Hanford site.

Mr. BAIRD. Mr. Speaker, I thank my friend from Washington for yielding me the time, and I thank my colleague also from the other side of the Cascade Mountain.

The reason I am concerned about this, since I represent Vancouver, Washington, we call it America's Vancouver, it is on the banks of the Columbia River, and it is down river from Hanford. For years, DOE has assured us that they had the cleanup under control. We have thousands of gallons of liquid waste in unlined single-wall tanks, and we were assured that they would not leak into the aquifer for hundreds of years. In fact, we have discovered already that there is nuclear material in that aquifer and that aquifer connects directly to the Columbia River.

The solution to our problems of disposing of radioactive waste is not to redefine them and say the problem's gone away because we came up with a new definition. That is essentially what the Department of Energy is asking to do, and I applaud my colleague for this motion. I thank the Chair of the committee for rejecting that.

So I am glad we are going to support this, but I would say this is troubling to me that the Department of Energy has even made this request because I think it raises questions about their good faith, that they believe that the solution to cleaning something up is to define that it is already clean and we do not have a problem. I urge the chairman of this committee to insist that such language not be allowed to exist in a final conference report and would urge my fellow colleagues, should that language somehow get in, to reject it strongly.

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

Just as a closing comment, Mr. Speaker, the one message we hope that comes out of today is that when we have 100 million gallons of material, that if we spread a coffee cup of it on this floor in the House, it would be a lethal dose for everyone here. This is material that our constituents on a bipartisan, bicoastal basis want to make sure gets cleaned up in reality, rather than just in rhetoric; and that is why I think this motion is very important.

I am very appreciative of my friend, the gentleman from Washington (Mr. HASTINGS), and his efforts to work with the Departments and the States to try to hammer out some solution to this. I know he has been personally involved in trying to find that solution. I appreciate his efforts. We appreciate the gentleman from Texas (Mr. BARTON) in accepting this and moving this forward. He has also acted with honor and great wisdom, and I look forward to passage of this.

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

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

We will not oppose the motion to instruct the conferees, and we thank the gentleman for offering it and the individuals who spoke in favor of it.

Mr. BLUMENAUER. Mr. Speaker, I support Representative INSLEE's Motion to Instruct Conferees on H.R. 6, the Energy Bill. This motion instructs the conference committee to not add a provision that would allow the Department of Energy to reclassify high-level waste. I oppose the provision because it jeopardizes the health of citizens in Oregon, Washington, South Carolina, and Idaho. Of particular concern to me is radioactive waste stored in Hanford, WA, that has already contaminated ground water near the Columbia River. I believe this is one of the greatest environmental threats we face in the Pacific Northwest.

I also oppose the provision because it circumvents a legal decision made last July by a Federal district judge in Idaho. We should not allow defendants unhappy with a court decision to run to Congress for a quick fix solution. Furthermore, Congress needs to resolve controversial issues through careful consideration and debate. The proposed provision was in neither the House nor Senate bills, and was not subject to debate or vote. Most importantly, Congress did not hold hearings to hear from experts on both sides of this contentious issue.

This issue is too important to play political games. The Department of Energy should focus efforts on being a better partner with States to devise an efficient and effective solution that is agreeable to the people who live and work near the contaminated sites. All four States oppose the provision indicating that the department has not yet found a common ground solution.

Mr. BARTON of Texas. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. PUTNAM). The gentleman from Washington (Mr. INSLEE) is entitled to close. Does he wish to do so?

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

The SPEAKER pro tempore. 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 Washington (Mr. INSLEE).

The motion was agreed to.

A motion to reconsider was laid on the table.

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

Mr. BISHOP of New York. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. BISHOP of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject division B of the House Bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New York (Mr. BISHOP) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today to offer a motion to instruct conferees on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003. In form, this motion instructs conferees to eliminate from the legislation the tax-free savings accounts for medical expenses. These accounts are estimated to cost the Federal Government $174 billion over the next 10 years; and in my opinion, this funding would better serve seniors if it were used to close the enormous gap in coverage that exists in H.R. 1, as it currently is formulated, that leaves seniors without a dependable prescription drug plan.

Health savings security accounts are one of the many provisions in H.R. 1 that I find troubling. The health savings security accounts bill, like so many bills that this House has considered over the past few months, was brought to the floor in the middle of the night, in a last minute fashion, and was rammed through without debate. The bill passed largely along party lines and in the wee hours of the next morning was incorporated into the prescription drug bill through a rule. This Congress never had the opportunity to study such an enormous proposal.

Supporters of the tax-free savings accounts will tell my colleagues that these accounts are valuable tools to cover the uninsured; and clearly, we must prioritize providing health coverage to the greater number of the uninsured, especially since we learned recently that 2.4 million Americans joined the ranks of the now 43.6 million Americans who are uninsured in just the last year alone. However, these savings accounts will do very little to help the uninsured and are the wrong solution for several reasons.

The medical savings accounts are a bad idea because they will cost the States already struggling with deep financial difficulties $20 to $30 billion in revenues over the next 10 years and, as I indicated earlier, will cost the Federal Government $174 billion over the next 10 years. The significant costs associated with these accounts will go towards providing benefits that I believe are merely illusory. These accounts are presented as a device that will help the uninsured. Yet 36 percent of the uninsured have incomes below the poverty

level so they pay little or no income tax. If their incomes are so low that they pay little in the way of income tax, then we cannot reasonably expect them to invest in medical savings accounts.

If the majority of the House feels that this $174 billion is available to us and that we can afford to spend it, then in my opinion there is a much better way for us to invest it.

The prescription drug bill that passed the House has an alarming gap in coverage. Just when seniors reach the point when their drug costs become unbearable and they need help the most, the prescription drug bill leaves them to their own devices. Under the bill that passed, seniors will be forced to pay 100 percent of their drug costs from between $2,000 and $4,900 a year. This gap is so huge that 48 percent of Medicare beneficiaries, almost one-half of seniors, will fall into the gap. And as if this were not enough, seniors with drug costs over $2,000 will continue to be required to pay their monthly premiums, even though they are receiving nothing in return.

I am increasingly discouraged that every time this Congress is faced with a choice of helping out those who need help the most or those who do not, we opt for those who need assistance the least. By eliminating the medical savings account provision from H.R. 1 and applying their $174 billion in savings to close the gap in coverage, we will be doing the right thing by helping those that need it the most. This amount of money will significantly close the coverage gap and will give seniors whose prescription drugs costs are past $2,000 a year great peace of mind. It is patently unfair to leave seniors to fend for themselves as their burden increases.

I urge my colleagues to support this motion and to do the right thing by our seniors by making this drug benefit more reliable. Let us send a strong message in support of seniors by giving them a prescription drug benefit with no gap in coverage.

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

Mr. MCCRERY. Mr. Speaker, might I inquire of the gentleman from New York (Mr. BISHOP) if he has additional speakers.

Mr. BISHOP of New York. I have about eight additional speakers.

Mr. MCCRERY. Mr. Speaker, as far as I know, I am the only speaker on our side. So I reserve the balance of my time until such time as the gentleman from New York (Mr. BISHOP) has arrived at his last speaker, and I will deliver my remarks at that time.

Mr. BISHOP of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, we have an opportunity today. We have an opportunity to make prescription drugs both available and affordable to our Nation's seniors. We have an opportunity to slam the door shut on the giant Republican-sponsored gap in coverage in their so-called prescription drug bill, aka the HMO Enrichment Act. We have an opportunity today to help people in need, not HMOs in want.

How do we do that? We must close the gap in coverage in prescription drugs that has been invented and advanced by our friends on the other side of the aisle, and we can do that by supporting this instruction.

Mr. Speaker, as my colleagues know, the Republican drug plan provides absolutely no prescription drug coverage at all to our Nation's seniors between the amounts of $2,000 and $5,000; but even though they are receiving absolutely no coverage, they are required to pay a premium each and every month. Who wrote that provision, the HMOs? They expect to get paid a monthly premium every month like clockwork and provide absolutely no benefits to the seniors. That is outrageous, and how, oh, how, Mr. Speaker, can our Republican friends support such an outrageous position and favor the wealthy HMOs over our worthy seniors? How can they take that position?

Mr. Speaker, some on the other side of the aisle say we cannot afford to make prescription drugs available to seniors. It is not that we cannot afford it. Let us be honest. It is that they do not want to do that because, Mr. Speaker, apparently we can afford huge tax cuts to the top 1 percent of American wage earners, but we cannot afford a prescription drug coverage. Apparently, we can afford to allocate $174 billion in tax cuts through the inclusion of HSAs, but we cannot afford prescription drug coverage.

Understand, Mr. Speaker, there is absolutely no requirement that the HSAs pass on savings to the employees. In fact, it is likely that employers will further burden American families by increasing deductibles and shifting costs to the employees; and understand, HSAs will not reduce the record number of uninsured in this country, and HSAs will not make prescription drugs more available for American seniors. It does none of that. In fact, just the opposite is true.

While HSAs will help almost no one in America, if we use those funds, that $174 billion with a B, we could help address the prescription drug needs for everyone in America.

Let us keep our priorities straight in this Congress. Let us do something to benefit all Americans, not just the wealthy. Please join me and America's seniors in supporting this motion to instruct by my fine colleague. We need prescription drugs for all, not just a tax shelter, Mr. Speaker, for the few.

Mr. BISHOP of New York. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from North Dakota (Mr. POMEROY).

(Mr. POMEROY asked and was given permission to revise and extend his remarks, and include extraneous material.)

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

Let us take a look at the fiscal format of this country as we begin the debate on this measure this afternoon. We have seen revenue reestimate after revenue reestimate, all to the growing despair of those of us who care about running this country on a balanced budget, just like America's families run their financial affairs.

We are now looking at an annual deficit in excess of $500 billion. I know the people I represent in North Dakota are really struggling with this request of the President to send $87 billion to Iraq because they know that when we are $500 billion in debt for this year, that this $87 billion to Iraq is all borrowed money. That all falls on the heads of our children. It is important, I think, with that being the financial framework of our country, as we talk about this debate, that we look closely at what has happened to the staggering escalation in costs to this MSA, medical savings account, provision.

I am a member of the Committee on Ways and Means that considered this legislation. The initial proposal was scored by the Congressional Budget Office at $14.3 billion over 10 years. I will submit this score from the Congressional Budget Office as part of the RECORD in this debate.

When it came before the committee, of course, we had seen the effect of special interests. This had been stretched. It had been inflated. It had grown, and this tax cut at that point in time, the MSA tax cut for the affluent, at that point became a $71.5 billion bill. Because this country was in the red, I opposed this measure in committee. We had not seen anything yet in terms of the ultimate cost of the provision addressed by the gentleman's motion because the very next day there was a rewrite, not one that was accomplished in light of day, in committee of jurisdiction, where we could at least talk about the policy rationale for the further expansion of medical savings accounts; but when this measure came to the floor, many of us were astounded to see that a measure that had been passed out of committee costing $71 billion over 10 years was now slated to cost $174 billion over 10 years.

□ 1530

Somehow, overnight, $100 billion in tax loopholes had been added to this measure. No hearing, no discussion, no committee vote.

So as my friends in North Dakota scratch their heads about the $87 billion Iraq request of the President, they should know that is not the only thing to scratch your head about in Washington: $100 billion added to this MSA tax loophole from committee action to the time of the floor. In contrast to that $87 billion to Iraq, this is going to lose the Treasury $173 billion.

Now, when we look at a $173 billion hit to the revenue of this country, we

ought to think, well, can we afford it? Well, with a $500 billion debt already, I do not think we can afford it. This will be paid for by further driving up the debt of our country. It will be ultimately borne by our children and grandchildren as we leave to them a country so swimming in red ink that it will be hard to figure out how they ever get back to a balanced budget.

Those days of surplus seem so long ago. And the reason we have gone down this terribly steep slope into these incredibly deep deficits is the very shenanigans we see before us. A bill that was $14 billion in cost when it came to the committee came out of committee inflated and stretched to $71 billion. And by the time it came to the floor, a further rewrite, not even in front of the public, not even in front of the committee of jurisdiction, not even with any discussion about the policy underlying the changes, and another $100 billion in tax loopholes is offered, so that now $173 billion in revenue is lost. There is an awful lot that can be done with $103 billion.

As a former State insurance commissioner, I can tell my colleagues that spending this kind of money on medical savings accounts is a very poor investment. Pass this motion, strip this tax windfall out of this provision.

Mr. Speaker, I submit for the RECORD the estimates of the CBO referred to earlier in my remarks:

ESTIMATED REVENUE EFFECTS OF H.R. 2596, THE ''HEALTH SAVINGS AND AFFORDABILITY ACT OF 2003,'' SCHEDULED FOR CONSIDERATION BY THE HOUSE OF REPRESENTATIVES ON JUNE 26, 2003

[Joint Committee on Taxation, 6–26–03, JCX–65–03; fiscal years 2004–13; in millions of dollars]

Provision	Effective	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
Health Savings Security Accounts and Health Savings Accounts:													
1. Health savings accounts	tyba 12/31/03	−146	−433	−484	−541	−586	−633	−676	−700	−707	−752	−2,190	−5,658
2. Health savings security accounts	tyba 12/31/03	−628	−4,665	−7,853	−11,155	−14,500	−17,666	−21,041	−24,542	−29,232	−32,165	−38,802	−163,448
Total of Health Savings Security Accounts and Health Savings Accounts		−774	−5,098	−8,337	−11,696	−15,086	−18,299	−21,717	−25,242	−29,939	−32,917	−40,992	−169,106
Disposition of Unused Health Benefits in Cafeteria Plans and Flexible Spending Arrangements	typba 12/31/03	−361	−627	−767	−867	−919	−957	−992	−1,023	−1,055	−1,094	−3,541	−8,662
Exception to Information Reporting Requirements Related to Certain Health Arrangements	pma 12/31/02	−23	−24	−24	−25	−26	−27	−27	−28	−29	−30	−122	−263
Interactions Among Health Provisions		32	146	236	331	418	503	585	653	706	784	1,162	4,392
Net Total		−1,126	−5,603	−8,892	−12,258	−15,614	−18,780	−22,151	−25,640	−30,317	−33,258	−43,493	−173,639

Note: Details may not add to totals due to rounding. Legend for ''Effective'' column: pma = payments made after; tyba = taxable years beginning after.

ESTIMATED REVENUE EFFECTS OF A CHAIRMAN'S AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2351, THE ''HEALTH SAVINGS ACCOUNT AVAILABILITY ACT,'' SCHEDULED FOR MARKUP BY THE COMMITTEE ON WAYS AND MEANS ON JUNE 19, 2003

[Joint Committee on Taxation, 6–18–03, JCX–64–03; fiscal years 2004–2013, in millions of dollars]

Provision	Effective	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
1. Health Savings Accounts	tyba 12/31/03	−231	−1,785	−3,410	−4,876	−6,371	−7,503	−8,321	−9,271	−10,171	−10,668	−16,673	−62,607
2. Disposition of Unused Health Benefits in Cafeteria Plans and Flexible Spending Arrangements	tyba 12/31/03	−361	−627	−767	−867	−919	−957	−992	−1,023	−1,055	−1,094	−3,542	−8,664
3. Exception to Information Reporting Requirements for Certain Health Arrangements	pma 12/31/02	−23	−24	−24	−25	−26	−27	−27	−28	−29	−30	−122	−263
Net total		−615	−2,436	−4,201	−5,768	−7,316	−8,487	−9,340	−10,322	−11,255	−11,792	−20,337	−71,534

Note: Details may not add to totals due to rounding. Legend for ''Effective'' column: pma = payments made after; tyba = taxable years beginning after.

ESTIMATED REVENUE EFFECTS OF H.R. 2351, THE ''HEALTH SAVINGS ACCOUNT AVAILABILITY ACT,'' SCHEDULED FOR MARKUP BY THE COMMITTEE ON WAYS AND MEANS ON JUNE 19, 2003

[Joint Committee on Taxation; #03–1 174 R, very preliminary, 6–18–03; fiscal years 2004–13; in millions of dollars]

Provision	Effective	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
Health Savings Accounts:													
1. Income tax effect	tyba 12/31/03	−136	−405	−453	−507	−550	−594	−635	−655	−659	−702	−2,052	−5,598
2. FICA tax effect	tyba 12/31/03	−10	−28	−31	−34	−36	−39	−42	−44	−47	−50	−138	−360
Total of Health Savings Accounts		−146	−433	−484	−541	−586	−633	−676	−700	−707	−752	−2,190	−5,658
Dispostion of Unused Health Benefits in Cafeteria Plans and Flexible Spending Arrangements:													
1. Income tax relief	tyba 12/31/03	−207	−361	−447	−509	−543	−568	−589	−607	−627	−654	−2,067	−5,113
2. FICA tax effect	tyba 12/31/03	−154	−265	−320	−358	−377	−390	−403	−416	−428	−440	−1,474	−3,551
Total of Disposition of Unused Health Benefits in Cafeteria Plans and Flexible Spending Arrangements		−361	−627	−767	−867	−919	−957	−992	−1,023	−1,055	−1,094	−3,542	−8,664
Net Total		−507	−1,060	−1,252	−1,408	−1,505	−1,590	−1,669	−1,723	−1,762	−1,846	−5,732	−14,322

Note: Details may not add to totals due to rounding. Legend for ''Effective'' column: tyba=taxable years beginning after.

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

I would just point out to the gentleman from North Dakota, Mr. Speaker, and to those listening to the debate, that the entirety of the cost of this bill, as noted by the gentleman from North Dakota, is accommodated by the budget that this House voted on earlier this year by a majority vote. Also, we should know that this bill, in its current form, at its current cost, as noted by the gentleman from North Dakota, passed this House with a bipartisan majority, with 15 Members of the minority supporting this bill in its current form.

So while it may be true that the bill changed from the time it was introduced to the time it reached the floor, there is no one that was unaware of the cost when this was voted on by the Members of the House at large, and the amount is accommodated by the budget that we all agreed on earlier this year.

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

Mr. MCCRERY. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I thank my friend for yielding to me, someone I respect deeply on the Committee on Ways and Means, the gentleman from Louisiana.

The gentleman notes that the money is fully accommodated for in the House budget. What I want to know is what the relationship of the price tag is relative to the deficit. Now, as I understand it, this $173 billion will deepen the deficit. Is that not the gentleman's understanding?

Mr. MCCRERY. Reclaiming my time, Mr. Speaker, as the gentleman well knows, the budget that was voted on by this House earlier this year, which takes care of all of the priorities of government which we have the duty and the obligation to do, did anticipate a deficit at the Federal level. So any spending that the gentleman wants to point out, whether it is for projects in his district or highways or any other thing, one could say that is going to drive us deeper into deficit.

But I think it is unfair for the gentleman to point out one item that we might pass and agree on and send to the President and say that is all going into the deficit. There are a great many other things we spend money on at the Federal level; and it would be fair to say, I suppose, that any one of those would be deficit spending.

Mr. POMEROY. Mr. Speaker, if the gentleman will continue to yield for one brief question, is the $87 billion for Iraq requested by the President in the budget, or will that drive the deficit figure even deeper?

Mr. MCCRERY. Reclaiming my time once again, Mr. Speaker, as the gentleman knows, the $87 billion is in the form of a supplemental request from the administration, and that is not covered by the budget that we passed earlier this year.

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

Mr. BISHOP of New York. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the Bishop motion to reject the use of $174 billion for health savings accounts included in the Republican prescription drug bill.

On June 26, I, along with many of my colleagues, voted against the Health Savings and Affordability Act, H.R. 2596. It sounds like a great bill, but in reality these health savings accounts are a $174 billion tax cut for the wealthy.

Republicans tell us these accounts will help those without health insurance, but in reality these people have incomes that are far too low to take advantage of the tax breaks in this bill. The truth is they do not have the additional $2,000 to $4,000 a year to put into these savings accounts.

While Americans are struggling daily, this Republican Congress is trying to give more tax cuts for the wealthy, and it is shameful to disguise it by putting it into the Medicare prescription drug bill.

At a time when our country is facing record deficits and so many seniors are struggling with rising drug costs, could $174 billion not be better used? Could it not be used, as the gentleman from New York (Mr. BISHOP) has suggested, to significantly close the gap in coverage found in the current prescription drug bill?

Asking our seniors to pay 100 percent of their drug costs above $2,000 until catastrophic coverage kicks in is simply unacceptable. This gap in coverage is the biggest problem in the prescription drug bill, and it would have a severe impact on millions of low-income Medicare beneficiaries.

That is why, instead of giving more tax cuts to the wealthy, we must help seniors cover their prescription drug costs. That is what seniors want, and that is what our seniors deserve. In fact, according to a survey conducted by AARP, four out of five seniors did not want the Republican plan that ultimately passed this Congress.

Why did seniors oppose this plan? The answer is very simple: because under the current bill, 48 percent, nearly half of all seniors, would fall into the coverage gap and be forced to pay 100 percent of their drug costs. And that is in addition to the $35-per-month premium, in addition to paying the first $250 worth of drugs, and in addition to paying 20 percent of all their drug costs up to $2,000 a year.

The coverage gap is unacceptable. It is no way to treat the seniors in our country. They expect more and they deserve more. Therefore, I urge my colleagues to support the Bishop motion and reject more tax cuts for the wealthy. Give our seniors the respect they deserve and the coverage that they need.

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

I would just point out, Mr. Speaker, that while we have had a couple of proponents of the motion to instruct mention that more money should be used for the prescription drug program, this motion to instruct does not direct any of the savings which would be gained from deleting division B of the Medicare bill to prescription drugs or for any other purpose. So while they may use conjecture to think about what they might use this money for, this motion to instruct has nothing to do with that.

Also, Mr. Speaker, I might point out that if this motion to instruct were to redirect that money to the prescription drug program, that would be in violation of the budget agreement that this House passed earlier this year.

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

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I think the point of our contention that the monies saved by eliminating the Health Savings Security Act is that money that does not come into the Treasury is the same as money that comes in and is then spent. If the Treasury can afford to not take in an additional $174 billion, our point is that the $174 billion would be better spent in assisting people who really do need the assistance as opposed to providing comfort and benefit to those who really do not need the assistance.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New York (Mr. BISHOP) for offering this motion and for standing up for senior citizens and persons with disabilities.

We just heard that a motion that would put the money into closing the huge gap in coverage that seniors citizens are going to face if this so-called Medicare prescription drug benefit passes, that it would be somehow a violation of the budget agreement, that, instead, we would rather have some sort of another tax shelter that takes another $74 billion away in lost revenue is typical of the kind of proposals and the solution that have been offered.

Yes, the budget resolution says that we can give huge tax breaks to the wealthiest Americans; and now the way we are going to deal with the prescription drug plan is we are going to allow, again, people who have more money to be able to put it in a tax shelter so that they do not have to pay taxes on it.

What the Democrats are talking about, what the gentleman from New York is talking about is let us look at what the problem is. Senior citizens, persons with disabilities cannot afford the prescription drugs that they need. So if we have $174 billion that we can use, why not just close that gap? That is the choice. The choice is between a $174 billion tax shelter, unavailable to lower-income people, or using $174 billion to try and redirect that so that Medicare beneficiaries get the coverage that they need. It is really as simple as that.

One thing that has not been noted in this $174 billion tax shelter, that is the money lost to the Federal Government, is that it is also going to add about $20 billion to $30 billion in lost revenue to the States, according to the Center on Budget and Policy Priorities. Those lost revenues could further exacerbate the health care problem for low-income people. It might force States to make cutbacks in critical health programs, hurting, once again, the uninsured and the underinsured.

This kind of health savings account, this tax shelter, will also erode on-the-job coverage, because it will encourage employers to replace existing health coverage with high-deductible coverage. And it will especially hurt low-income families who cannot afford to pay those high deductibles, who cannot afford to contribute to a health savings account. What they are designed to do is to provide tax shelters and not to provide affordable coverage for the uninsured.

It is also very important to note, by the way, that the hole that exists in coverage for senior citizens and persons with disabilities for their prescription drugs does not exist in the health plan that is offered to Members of Congress. So if we want to make sure that President Bush is accurate when he tells senior citizens that he wants to give them what we have, what we have in our Federal employee plan, then we have to fill that gap. The hole in coverage right now is big enough so that 48 percent of seniors and persons with disabilities fall right in it.

We also know that nearly half of the Medicare beneficiaries live on less than $18,000 a year. Many of them are low-income women living alone; and for them, a $2,900 coverage gap is an insurmountable barrier to care.

□ 1545

That is what we have got right now. We will have senior citizens going to the pharmacy and saying I want the same medicine as I ordered last month, and the pharmacist will say, Mrs. Jones, that will cost you $75.

What do you mean, I thought I had a prescription drug coverage?

Oh, it has run out for awhile now. You already have used it up. We will not pick it up again until you spend another $2,900. Hello, people cannot afford that, nor can they afford a $174 billion tax shelter that will provide help only to those who really can afford it, not to the millions and millions of seniors who cannot afford their prescription drugs. This is the choice that we have in front of us today. Let us do the right thing and support the Bishop motion to instruct.

Mr. BISHOP of New York. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to express my support for the Bishop motion for several reasons. First of all, as the previous speaker mentioned, the biggest problem with the Republican so-called drug benefit, because I do not think it is that at all, is that it is not generous enough. This is a voluntary program. If seniors feel they have to pay more out-of-pocket than they actually are going to gain by paying a premium for this drug benefit, they are not going to opt for it, and it is going to be meaningless. I think that is the problem with the House Republican bill. Even the bill that the other body passed, although better, has the same problem. The benefit is not generous enough, not meaningful enough for the average senior citizen to want it.

If we look at the gap in coverage, the so-called doughnut hole, the House Republican bill leaves beneficiaries 100 percent financially liable for all prescription drug costs between $2,000 and $4,900 in drug spending. So they are going to get some help, I think rather meaningless help, up to $2,000, and then there is the catastrophic above the $4,900; but in between, they are paying 100 percent of the costs. This leaves beneficiaries with a gap of $2,900 where they still must pay premiums, but get absolutely no coverage for their plan.

So they are going to be paying so much a month under the House Republican plan, but after $2,000, they have to pay 100 percent even though they are paying a premium. If they figure out what it is going to cost them out-of-pocket, as opposed to what they are getting, they will not even opt for the drug benefit because it will not be worth its value.

The Bishop motion says rather than leave this gaping doughnut hole, why not eliminate the health savings accounts, which is a totally meaningless proposal which just helps some rich people and use the money that the House Republicans allocate from that, $174 billion over 10 years, to try to fill in at least part of the gap for the doughnut hole so that seniors get something for their value and the drug benefit has some meaning.

According to the Joint Committee on Taxation, the health savings accounts that are included, this bogus proposal included in the House Republican bill, costs $174 billion over 10 years. The health savings accounts provision will undercut employer-provided health care coverage. The benefits are available only if individuals are covered by high-deductible plans, in other words, plans providing no coverage for at least the first thousand dollars of medical expenses. A deductible of that size is approximately double the deductible of most employer plans. So what does it mean?

The provision will encourage employers to reduce coverage for workers and their families by increasing deductibles and shifting even more costs onto employees. The resulting cost savings will be enjoyed by the employer because there is no requirement that those savings be passed onto the employee.

For many American families, the tax benefits are completely worthless. The only thing they would receive from the health savings account provision is reduced health care coverage.

Most American families will not be able to take advantage of the tax shelter in these provisions because they do not have $4,000 per year in additional savings. The health savings account provisions are designed to benefit employers and upper-income management, not rank-and-file employees.

Mr. Speaker, I just want to be clear, the serious limitations of this prescription drug benefit really need to be resolved so there is some benefit. I am just trying to make it perfectly clear. We have a lousy benefit with this huge, gaping doughnut hole. It needs to be filled up in some way so the benefit has some meaning, and the best way to do it is to get rid of this huge boondoggle, $174 billion over 10 years from the health savings accounts, that is not going to help anybody. It is probably going to reduce employer coverage.

For the life of me, I cannot understand, of all of the motions that we have had on this issue, of all of the motions to instruct, this is the easiest for those on the other side to buy because they know when they go home and they talk to their constituents at home, a lot of them are concerned that the coverage in the House bill is meaningless, and they talk about the doughnut hole. If you have a forum, this is what the seniors talk about. Why not take away this lousy provision, the health savings account, which basically is not helping anybody, and use it to make a more generous benefit that maybe in conference, we could convince people on both sides, both in the Senate and the House, to adopt this as part of a conference report and have a meaningful drug benefit.

I would urge my colleagues to support the Bishop motion. I think it makes a lot of sense, and it should be passed on a bipartisan basis.

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

Mr. Speaker, I have heard several speakers today on the floor say that this is a tax loophole for the wealthy; it is just a way for the wealthy to be able to set aside tax free money because these high-deductible plans are not of use to anybody but the wealthy.

The high-deductible portion of this bill is the health savings account provision. The health savings account provision only accounts, according to the Joint Tax Committee, for $5.5 billion of $173.5 billion tax expenditure proposed by this bill. So it is not the high-deductible HSA, the health savings account, which has been alluded to here today, which accounts for the vast majority of costs under this bill. It is instead the health savings security accounts which eligibility for begins to phase out at $75,000 of income for an individual. I hardly think anyone would call an individual making up to $75,000 a year wealthy, able to take advantage of huge tax loopholes. I wanted to set the record straight on that.

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

Mr. BISHOP of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time, and appreciate the good work the gentleman has done on health care in this body.

Mr. Speaker, I rise in support of the Bishop motion. The health savings security account provisions of H.R. 1 are misguided, they are misplaced; and, frankly, they are misnamed, misnamed because health savings accounts do not promote health security, they actually undercut health security. HSAs coupled with high-deductible insurance are a magnet for healthier and better-off individuals, ones who can use the tax break and are not put off by the $1,000 deductible.

When the healthiest individuals leave existing insurance pools to buy high-deductible coverage, premium costs go up for everyone else. It is simple logic. Logic tells us that. So do studies by RAND, by the Urban Institute, and the American Academy of Actuaries. High-deductible health insurance discourages utilization of cost-saving preventive and routine care. It simply does not make sense to promote this type of coverage.

Do we really want to spend $174 billion to inflate the cost of employer-sponsored health insurance and encourage the purchase of outdated, counterintuitive high-deductible health insurance?

The HSA provisions are misguided because the Census Bureau just reported now, since President Bush has taken office, almost 3 million more uninsured people in this country, partly connected to the fact that we have lost 3½ million jobs in the United States

since 2001. But most uninsured individuals will not benefit from the tax preferences built in the HSAs, so this proposal not only will not, but it simply cannot, make a dent in the large pool of uninsured. They are not a serious solution. We should not waste money on them.

These provisions are misplaced because this is a prescription drug coverage bill, not a health insurance coverage bill. If our goal is indeed to expand access to health insurance, then the conferees should be debating the best way to expand access to health insurance, and they are not doing that.

So do we want to get one thing right, or do we want to get two things wrong? Let us get the prescription drug coverage in this bill right, as the Bishop motion does. The drug coverage contained in this bill is woefully inadequate. Seniors with $5,000 in drug expenses under the Republican plan would pay $4,000 out of pocket. Five thousand dollars worth of drug expenses, and the government will only pay $1,000; hardly insurance. The bill's coverage gap forces beneficiaries to pay 100 percent of their costs after the first $2,000 of drugs have been purchased. The coverage does not begin again until drug spending reaches $4,000. That is not really insurance. It makes you wonder if Republicans really think it is a good idea to penalize people for being sick. This huge hole in the coverage, if you are spending between 2 and $4,000, you get no coverage on your drug costs. This motion, the Bishop motion, takes $174 billion allocated for health savings accounts and devotes it to beefing up the prescription drug coverage. The additional funding helps eliminate the hole in that coverage. The Bishop motion makes sense.

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

I will point out once again that the motion to instruct before the House today does not in any way devote any funding to the prescription drug benefit. It merely deletes division B from H.R. 1. It does not supplement in any way, by any amount of money, the Medicare prescription drug benefit.

Also, Mr. Speaker, I would like to point out that I am familiar with the RAND study, it is probably the same RAND study cited by the last speaker which showed that yes, when people are spending their own money for health care, there is a reduction in the utilization of health care services. But if Members read on in that same study, it says that there was no significant decline in health outcomes as a result of that. I would submit as we go forward with the baby-boom generation about to retire, we should be looking at the effectiveness of health care expenditures and health care outcomes, and not how much money we can spend on how many health care procedures.

Mr. Speaker, in closing, we have had a good discussion today, I think, about some of the attributes of the health savings accounts and health savings security accounts, and I am not going to give the big long speech which I have prepared here, I will submit that for the RECORD, and I also want to submit for the RECORD a recent article from the New York Times which talks about utilization of services in the health care system.

There has been a lot of talk today about wealthy people and low-income people and access to health care and health insurance and employer-provided health insurance.

Mr. Speaker, the whole idea behind health savings accounts and allowing employers to contribute on behalf of employees to health savings accounts, the whole idea of allowing employees to roll over $500 a year from their flexible spending accounts into a health savings account or health savings security account is to get people coverage for health care. We have too many people in this country today who are either uninsured or underinsured. This bill, which passed the House, is designed to allow some of those people to get insurance.

I am not sure that the Members who spoke today have focused on the advantages of this bill. I think they are trying to find some way to get some money to put into prescription drugs which would not be allowable under the budget agreement that we have.

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But this bill before us that is the subject of the motion to instruct today is designed to get more people in this country insurance.

Yes, they could opt for high-deductible insurance. We think that is a good thing. At least they would have some insurance. By having a high-deductible policy for minor medical expenses, they would be spending their own money. And, yes, as the RAND study shows, they would be more prudent with their health care choices when they are spending their own money. That could help get overall health care costs down. It certainly could help inject into the health care system some market forces that are not there presently.

Mr. Speaker, I think, unfortunately, this motion to instruct is ill-advised. It is not designed to supplement the prescription drug program. It is designed to kill a very worthwhile tax incentive to encourage people in this country to get health insurance, to insure their families for health care expenses, and even if they are lucky enough to be basically healthy for most of their lives, to be able to use their health savings accounts and health security savings accounts to provide long-term care in their old age if they should need it. This is a very good proposal.

Mr. Speaker, the Motion before us is an interesting one. Generally made by a member of the minority party, Motions to Instruct allow this Chamber to go on record with respect to one aspect of a measure pending in conference.

These motions generally tackle a specific piece of a bill and allow the moving party to encourage the House to recede to a Senate-passed provision or to force the House to take a position on a provision or provisions which were not subject to an individual recorded vote during House debate.

That is not the case here. The House has already voted, overwhelmingly, against the position being advocated by my colleague from New York.

While the Motion before us is a new one, the issue is not. The Motion asks the conferees to reject Division B of the House-passed Medicare bill, which, as my colleague from New York has noted, relates to the creation of tax-favored savings accounts to meet current and future health care needs.

Before becoming Division B of H.R. 1, the text in question was a stand-alone bill, H.R. 2596. On June 26 of this year, the House voted to pass that measure by a vote of 237 to 191. I should add that the vote was bipartisan, with 15 Members of the minority supporting the provision.

Under the terms of debate for the bill, as set by the Committee on Rules, H.R. 2596 was appended onto H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003 as Division B.

Mr. Speaker, I have provided this detailed legislative history so that we can all understand that the House is already on record on the issue presented by the Motion to Instruct. Before casting their votes on this Motion, I hope my colleagues will review their vote on the identical issue which occurred on June 26.

Having discussed the legislative history of this provision, let me turn to the substance, which is not less distinguished.

This week, the Census Bureau reported what we all know to be true. There are far too many Americans without health insurance. The economic slow-down, from which we are only now starting to recover, left too many without jobs and has caused some workers to lose employer-sponsored health insurance.

That problem demands bold and innovative thinking. I have long believed that the employer-based system for health insurance, the product of historical happenstance, must be radically restructured if we are to provide affordable health insurance for all Americans. I have worked across party lines to explore this issue and hope those efforts will someday lead to fruition.

Part of the solution lies in taking steps which increase personal responsibility. That is why the provisions creating HSAs and HSSAs are so important.

Mr. Speaker, I will insert in the record an article which ran in the New York Times on September 13, 2003 entitled ''Patients in Florida Lining Up for all That Medicare Covers''.

The article outlines how some seniors, shielded from the true cost of health care services by Medicare and supplemental insurance, have turned visits to doctors from a dreaded necessity into a focal point of their social schedule.

The conclusion, frankly, is not a shocking one. I think we all know that people tend to consume more of things they perceive to be free. To the extent health insurance features low deductibles and minimal cost-sharing, enrollees are more likely to consume health care goods and services which they otherwise might not. This lack of personal responsibility

is at the root of many of our health care cost problems.

Division B of H.R. 1 takes concrete steps to ensure that health care consumers have more responsibility and more influence, in our healthcare system. Thought there are important differences, HSA policies are only available to those individuals who buy higher deductible health insurance. HSSAs will be available to those with more traditional health plans, but they may also be established by those who have no health plan at all, are therefore uninsured and who, I suppose, could be thought of as having an infinite deductible.

By encouraging Americans to shift to higher-deductible health insurance, these accounts address a fundamental problem in health care today—the phenomenon of first-dollar coverage paid for by third-parties.

In his comments, my friend from New York indicated that these accounts will be used by the wealthy as a way to save money tax-free. About that I have several comments.

First, in reviewing this bill, the Joint Tax Committee did estimate that enactment would result in a revenue loss to the Government of about $173 billion over the next decade. The vast majority of that loss came from individuals establishing HSSA accounts. Yet individuals can make tax-deductible contributions to HSSAs only if their incomes are below certain thresholds. Mr. Speaker, HSSA account holders are not the idle rich, looking for a tax shelter. They are the families in this country trying to get by and maybe get ahead a little.

Allowing them to set aside some money on a tax-free basis for health care hardly seems like a tax-shelter. In fact, if the funds in an HSSA are not used for health care, the distribution is generally taxed as ordinary income and subject to an additional 15 percent tax. The 15 percent penalty does not apply if the account holder becomes disabled or withdraws the funds after reaching age 65.

It is true that account balances remaining upon death are included in the decedent's estate. And, if the estate tax repeal is made permanent—as a vast majority of this Chamber supports—it is possible that some of these funds set aside for health care might be used for other purposes.

But that fear is not in my estimation a good reason to reject an improvement to the tax code which will increase personal responsibility and whose benefits flow predominantly to those who otherwise will have the most difficulty meeting their health care needs as they age.

Second, Mr. Speaker, a population today having real difficulty with high health care costs are those who are retired or laid off but not yet eligible for Medicare. Caught in this gap are millions of Americans between the ages of 55 and 65. As account balances in HSSAs may be used to purchase individual health insurance, these accounts could be a real helping hand to those too young for Medicare but not eligible for other employer-sponsored coverage.

Third, if we really want to tackle the issue of ''tax fairness,'' it is not appropriate to look at the creation of HSAs and HSSAs in isolation Let's look at all of the tax subsidies, both hidden and explicit in the tax code and how they operate today.

Consider the fact that in 1999, the Federal Government ''spent'' approximately $100 billion in a hidden tax subsidy for health care, the exclusion from income, and therefore taxes, of the value of employer-sponsored health care. If that exclusion were not in place, meaning employees were taxed on the value of the health benefits provided as if it were ordinary compensation, the federal government would have collected an additional $62 billion in income tax that year and $34 billion in FICA contributions.

Those are large and abstract numbers. Let's break them down and see what they mean to American families. According to the Lewin Group, the tax exclusion provided the average family with a subsidy of $1,155 in 2000. But the benefits were not evenly divided. Families with incomes under $15,000 averaged just $79 in benefits, while families with incomes over $100,000 received an average subsidy of more than $2,600.

Mr. Speaker, those figures are both shocking and disappointing. Encouraging employers to provide bigger and more generous health plans is not the answer.

In addition to the odd distributional effects of the tax exclusion, there is ample evidence that the richest benefit packages are offered by employers with higher-income workers. A 1998 government survey found that only 42 percent of Americans under age 65 with incomes under 250 percent of poverty have insurance through an employer, compared to 83 percent of Americans with incomes above that level.

Part of the reason may be because businesses with low-wage workers are less likely to offer health insurance. A Kaiser Family Foundation report in 2000 found that two-thirds of small businesses offer coverage to their workers. But that number is cut in half for small businesses in which more than 35 percent of the workers make less than $10 per hour.

Part of the reason may also be that when coverage is offered to lower-income workers, it is generally offered on less favorable terms. A Moran Company study in 2000 found the average employees' monthly premium for family coverage was $130 for workers earning less than $7, while the cost for employees earning more than $15 per hour was just $84.

Mr. Speaker, these are depressing statistics. I stand ready to work with any of my colleagues in designing a system which more rationally allocates scarce resources for health care.

In the meantime, however, we must recognize that the uninsured and lower-income families are at a severe disadvantage when it comes to health benefits. I would not stand here and tell you that allowing them to set up tax-favored HSSAs is going to solve all of the distributional problems I mentioned. But surely providing more Americans an opportunity to use pre-tax dollars for health care cannot be a bad thing.

I should also mention two other important provisions in Division B which merit their own discussion.

First, the bill would allow individuals with unused balances in Flexible Spending Accounts to roll-over up to $500 each year. Even worse than insurance plans which make medical care appear free, FSAs have a use-it-or-lose-it feature. As a result, many account holders scramble at the end of each year to exhaust their accounts on marginally beneficial health care services. By allowing account holders to roll-over some unused funds, the provision reduces the very perverse current law incentive encouraging this over-consumption of health care.

Second, the provision contains a clarification of current law which will eliminate a burdensome requirement on FSA plans which use debit cards to make and track account-holders' health care spending.

In May, the Treasury Department and the Internal Revenue Service published a Revenue Ruling providing guidance on the use of debit and stored-value cards used to make payments under FSAs and health reimbursement accounts. Overall, the procedures will make it easier for millions of Americans to use stored-value cards to access the benefits of these accounts.

There is, however, an impediment to the expanded use of these Cards. The Revenue Ruling requires that employers and other plan sponsors issue Form 1099 reports to service providers who accept these Cards. There is little evidence that the requirement will affect the administration of the tax code, but the administrative and paperwork burdens will serve as an impediment to the use of these stored-value cards.

I was pleased that H.R. 2596 included a provision overriding the 1099 requirement. I have since written to Secretary Snow, urging him to issue a new Revenue Ruling removing the 1099 requirement.

Based on conversations with Treasury officials, I am hopeful that this can be addressed without action by the Congress but am concerned that passage of this Motion could signal Treasury that Congress does not care if the 1099 requirement is left in place.

Before concluding, Mr. Speaker, I do want to respond to concerns that the deficit is too large to justify a tax cut of this kind.

I, too, am troubled by the recent projections of significant deficits for the next several years. But, as a share of our national income, those deficits—and more importantly the debt as a percentage of our gross domestic product—remain manageable.

More importantly, to the extent HSAs and HSSAs allow Americans to accumulate funds to pay for health care and encourage them to consume medical services more prudently, we can stem the otherwise unchecked growth in medical inflation which is, in my estimation, the most serious cause of long-term upward pressure on our budget picture.

Finally, Mr. Speaker, let me express my concern about any Motions to Instruct the conferees on H.R. 1. As my colleagues are well aware, the issued surrounding the creation of a Medicare drug benefit are as numerous as they are complex. These discussions will only be brought to a successful conclusion if the conferees are able to creatively address the difference between the two bills.

By artificially seeking to tie the hands of the negotiators this motion makes it less likely, rather than more likely that the conferees will be able to strike the delicate balance necessary to produce a bill acceptable to each Chamber and the President. Accordingly, we should reject this Motion for fear it will make it less likely that a Medicare prescription drug benefit can be enacted this year.

Mr. Speaker, I urge my colleagues to affirm the vote this House took in June and to defeat the Motion to Instruct.

[From the New York Times, Sept. 13, 2003]

PATIENTS IN FLORIDA LINING UP FOR ALL THAT MEDICARE COVERS

(By Gina Kolata)

BOCA RATON, FLA.—It is lunchtime, and the door to Boca Urology's office is locked. But outside, patients are milling about, calling the office on their cellphones, hoping the receptionist will let them in. To say they are eager hardly does them justice.

''We never used to lock the door at lunch, but they came in an hour early,'' said Ellie Fertel, the office manager. ''It's like they're waiting for a concert. Sometimes we forget to lock the door and they come in and sit in the dark.''

Yet few have serious medical problems, let alone emergencies. ''It's the culture,'' said Dr. Jeffrey I. Miller, one of four urologists in the practice.

Doctor visits have become a social activity in this place of palm trees and gated retirement communities. Many patients have 8, 10 or 12 specialists and visit one or more of them most days of the week. They bring their spouses and plan their days around their appointments, going out to eat or shopping while they are in the area. They know what they want; they choose specialists for every body part. And every visit, every procedure is covered by Medicare, the federal health insurance program for the elderly.

Boca Raton, researchers agree, is a case study of what happens when people are given free rein to have all the medical care they could imagine. It is also a cautionary tale, they say—timely as Medicare's fate is debated in Congress—for it demonstrates that what the program covers and does not cover, and how much or how little it pays, determines what goes on in a doctor's office and why it is so hard to control costs.

South Florida has all the ingredients for lavish use of medical services, health care researchers say, with its large population of affluent, educated older people and the doctors to accommodate them. As a result, Dr. Elliott Fisher, a health services researcher at Dartmouth Medical School, said, patients have more office visits, see more specialists and have more diagnostic tests than almost anywhere else in the country. Medicare spends more per person in South Florida than almost anywhere else—twice as much as in Minneapolis, for example.

But there is no apparent medical benefit, Dr. Fisher said, adding, ''In our research, Medicare enrollees in high intensity regions have 2 to 5 percent higher mortality rates than similar patients in the more conservative regions of the country.''

Doctors say that Medicare's policies are guiding medical practice, with many making calculated decisions about whom to treat and how to care for them based on what Medicare covers, and how much it pays.

''The bottom line is that the stuff that reimburses well is easier to get done,'' Dr. Carl Rosenkrantz, a Boca Raton radiologist, said.

Thomas A. Scully, administrator of the Centers for Medicare and Medicaid Services, said he knew the situation all too well.

''We have a system that does nothing to look at utilization,'' Mr. Scully said in a telephone interview. ''If you send in a bill and you are legitimate, we pay it.''

The effect shows up in the way doctors deal with office visits, for example. Medicare in Boca Raton pays $52.46 for a routine visit, in which a doctor sees a patient with no new problem. That is not enough, doctors say; it costs about $1,500 a day to run an office there, they explain. Payments in other states are different, adjusted for cost of living, but doctors say, and Mr. Scully agrees, that they are generally inadequate. Doctors who try to make a living seeing only Medicare patients for routine visits, he said, ''have a very rough time.''

Medicare bases its payments on a system in which each kind of service is assigned a ''relative value,'' Mr. Scully said. To increase the payment for routine office visits and stay within its budget, Medicare would have to decrease the relative value of other services.

A committee of doctors meets each year to suggest relative values, he said, but ''the most aggressive and active groups tend to be the specialists.''

''Year after year,'' Mr. Scully went on, ''the specialists come in and make a very strong argument for higher reimbursements. There's eventually a squeeze on the basic office visit.''

In many areas of the country, private insurers pay more for office visits than Medicare does, so doctors can essentially subsidize their Medicare patients.

''If we just saw Medicare patients and didn't see anyone with regular insurance, we wouldn't be able to pay the bills,'' said Dr. James E. Kurtz, an internist at Chatham Crossing Medical Center in Pittsboro, N.C.

Elsewhere, many doctors are refusing to see Medicare patients. ''Some counties in Washington have no doctors who take new Medicare patients,'' Dr. Douglas Paauw, a professor of medicine at the University of Washington, said.

Doctors in South Florida do not have a choice. Private insurers there pay the same as Medicare or less, and so many old people live in the area that if doctors want to practice, they must accept them. But how to make a living?

One way, Dr. Robert Colton, an internist in Boca Raton, said, is to see lots of patients, spending just a few minutes with each and referring complicated problems to specialists.

Dr. Colton did that for a while, seeing as many as 35 patients a day. A typical busy internist, he said, would see 20 patients a day. ''I felt like a glorified triage nurse,'' he said.

''If you try to handle a complex problem, it slows you down,'' Dr. Colton said. ''You have to sit down with the family, meet with the patients, talk to them. If you say you have coughing and you are short of breath and your knee hurts, I might have sent you to two different specialists.''

The goal, Dr. Rosenkrantz said, is to move the patients on. ''The worst thing than can happen is for someone to walk into your office and say, 'I have an interesting case for you.' Financially, you'd be dead.''

Even seeing patients in the hospital can become an exercise in time management, Dr. Rosenkrantz said. ''We have doctors who do rounds at 4 a.m.''

A second driving force behind medical care in Boca Raton is the demands of patients. They want lots of tests and specialists, they refer themselves to specialists, they ask for and get far more medical attention from specialists than many doctors think is reasonable or advisable.

''This Medicare card is like a gold card that lets you go to any doctor you want,'' Dr. Colton said, ''I see it every day. When there's no control on utilization, it's just the path of least resistance. If a patient says, 'My shoulder hurts, I want an M.R.I., I want to see a shoulder specialist,' the path of least resistance is to send them off. You have nothing to gain by refusing.''

Patients here say they have mixed emotions. They complain about rushed primary care doctors but readily admit that they seek multiple specialists and multiple procedures.

The primary care doctors are often irritatingly busy, patients say. ''In waiting rooms sometimes they are standing against the wall,'' said Marvin Luxenberg, a retired lawyer who lives in nearby Boynton Beach. Then, he said, ''when you get in to see the doctor, you get just three or four minutes of time.''

Dr. Colton says he found a way to give his patients more time. He joined a ''concierge'' practice, in which patients pay an annual fee in addition to the normal charges for medical services. Dr. Colton's group, MDVIP, charges patients $1,500 a year and limits the number of patients each doctor sees.

But not everyone wants to pay that kind of fee. Many patients just spend their time in specialists' offices. Each specialist handles a different aspect of their care, with no one coordinating it.

Specialists get no more than primary care doctors for an office visit, but they provide tests and procedures that demand higher Medicare reimbursements. Doctors say those payments allow them to stay in business, especially if they provide the procedures in their own office.

Medicare pays the doctor and the facility where a procedure is done. For a nuclear stress test, for example, the doctor gets about $200 and the facility gets about $1,200.

''Doctors have incorporated these tests as much as possible into their offices so they can gain from the facility fee,'' Dr. Thomas Bartzokis, an interventional cardiologist in Boca Raton, said. Patients say they have lots of specialists, and lots of tests. Asked how many doctors he saw, Leon Bloomberg, 83, a patient of Dr. Miller, thought for a minute and looked at his wife, Esther.

''Between us, we have 10 or 12,'' Mr. Bloomberg said, including a pain specialist and a neurologist for his neuropathy, a cardiologist for his heart condition, ''a pulmonary man'' for his asthma, a rheumatologist for his arthritis and Dr. Miller for his prostate. Mrs. Bloomberg has her own doctors, including ones for heart disease and for diabetes. ''We have two to four or more doctors' appointment a week,'' Mr. Bloomberg said.

It is easy to find all these specialists, he said. ''You get recommendation at the clubhouse, at the swimming pool. You go to a restaurant here and 9 times out of 10, before the meal is over, you hear people talking about a doctor or a medicine or a surgery.'' And of course there are the other patients in all those waiting rooms. Mr. Bloomberg even recommends specialists to his own doctors.

But some patients say they are frustrated by what they call a waste of resources. ''The doctors are raping Medicare,'' said Louis Ziegler, a retired manufacturer of flight simulators who lives in Delray Beach.

Mr. Ziegler recalled going to a doctor for a chronic problem, a finger that sometimes freezes. All he wanted was a shot of cortisone. But he got more, much more: ''I had diathermy. I had ultrasound. I had a paraffin message. I had $600 worth of Medicare treatment to get my lousy $35 shot of cortisone.''

Dr. Colton, the internist here, is frustrated, too.

''The system is broken,'' he said. ''I'm not being a mean ogre, but when you give something away for free, there is nothing to keep utilization down. And as the doctor, you have nothing to gain by denying them what they want.''

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

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

Mr. Speaker, I take the floor because I was off doing other business but listening to testimony that has been presented on this floor; and if something

gets repeated often enough and loud enough, people may begin to think that it is true.

In depicting the proposal that has been offered for seniors and prescription drugs, much has been made of the fact that when you have limited dollar amounts and you want to write a program that benefits the greatest number of people, the logical way to write the program is to provide reasonable benefits so that most people who have small drug costs have a decent shared payment structure. In the House plan, that happens to be 80 percent government payment and, 20 percent individual. And for those who, through no fault of their own, have extremely high drug costs, above a certain point, 100 percent of those costs are assumed by the government, or the taxpayers. That is called typically a catastrophic plan.

The question is, how much would it cost to provide sliding coverage throughout an entire range?

Many drug programs are set up where they have a period at which the individual pays the full cost. It has been depicted over and over again and, most recently, just a few minutes ago, that this is a program we are trying to provide to seniors which we do not have as Members of Congress. That is flat-out not true.

If, in fact, Members of Congress can take their insurance from the Federal Employees Health Benefits Program, which is where we get it, if anyone would take the time, instead of preparing demagogic speeches for the floor of the House, and study the Federal Employees Health Benefits Program, they will find there are programs offered to Federal employees that have what is called, in a pejorative way, a doughnut hole. Why? Because it makes sense to build insurance plans at a dollar amount with a doughnut hole.

The program that we have built makes sense. Programs in the private sector do the same. Programs that are offered to Federal employees, including Members of Congress, do the same thing. This is not some unique concept that we have dreamed up. It is a common practice in insurance.

So I fully expect, if this is not done just for show, if someone really did not know, and if in fact they are now pleased to have the facts, I do not expect another Member to take the floor and say we ought to give to seniors what we give to Congress and other members of the Federal Government and that they don't have a doughnut, so we shouldn't have a doughnut for seniors. The fact of the matter is, the Federal Employees Health Benefits Program has plans that are actually chosen by Federal employees that have doughnuts. Why? Because it makes sense. It provides you the maximum minimum payment when your drug costs are low and it provides you the maximum coverage at the top end when your drug costs are high.

But remember what I said, if you are dealing with a fixed cost. The Congress said you have $400 billion to build a prescription drug program in a modernized Medicare. That is a fixed cost. For some people who do not believe the taxpayers' money should be accounted for or you should cater to groups so that you can give people whatever they want regardless of what it costs, I can understand why a sensible program, to give maximum benefits to the greatest number of people, would be a puzzlement. But for people who live on budgets and for people who are cognizant of taxpayers' dollars, building a plan for a given amount that brings the maximum benefits to the greatest number of people makes all kinds of sense. That is why, even in the Federal Employees Health Benefits Program, they have insurance programs that have doughnuts.

I am quite sure now we will never hear another word about saying we are trying to give seniors something that the Federal employees do not have, because it is not true.

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

Let me thank the gentleman for his remarks that explain very well the rationale for what we think is an excellent prescription drug program that we constructed within the confines of the budget, the $400 billion in the budget.

But, once again, Mr. Speaker, let me point out that the motion to instruct before us has nothing to do with the prescription drug program. It in no way relates to the prescription drug program. It does not allocate a dime of spending, extra spending, to the prescription drug program. All the motion to instruct before us today does is delete from H.R. 1 a very worthwhile tax incentive designed to get more people in this country health insurance coverage for themselves and their families.

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

Mr. BISHOP of New York. Mr. Speaker, I yield myself the balance of my time.

In closing, let me just say a few things. Chairman THOMAS just made reference to the fact, he talked about the difficulty associated with developing plans and writing legislation when there are limited dollar amounts available. Certainly he is right about that. But I think it is important that we recognize that one of the reasons that we have limited dollar amounts available for this and so many other benefits is that we have been on a tax-cutting frenzy in this Congress in the last several months.

We are now talking about the instant issue, the $174 billion for health savings accounts; $350 billion tax cut over 10 years that we approved in March. We all know that that number is probably an illusion. It is probably going to be closer to $1 trillion over 10 years because we all know that the sunsets really are not going to happen. The estate tax, the permanent elimination of the estate tax of $161 billion, and the, let us say, the overreaction to fixing the child tax credit problem. We have put in place an $82 billion solution to a $9 billion problem.

These tax cuts have two things in common, in my view. One is that they disproportionately favor the well-to-do and second is that they will not do what they purport to do. The health savings accounts purport to help the uninsured become insured and be able to handle their health expenses. It is not going to happen because so many of the uninsured are those who cannot afford insurance and cannot afford these accounts under any circumstance. And the other tax cuts have been designed, we are told, to stimulate the economy and create jobs, yet we continue to lose jobs at an alarming rate in this country.

It seems to me that what we are doing is we are throwing solutions at problems without really knowing whether the solution will work or not.

In the case of the prescription drug package, we do in fact know that if we make the benefit more substantial we will be truly helping people in need and we will be providing a real solution to a real problem.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this motion. The House Republican bill includes $174 billion over 10 years for health savings accounts (HSAs). That money is desperately needed to fill the doughnut hole they put in the seniors' prescription drug coverage.

Not only are HSAs a waste of $174 billion over 10 years, they will also undercut the system of employer provided health care coverage that we have today. The benefits of HSAs are available only if individuals are covered by high deductible plans, i.e., plans providing no coverage for at least the first $1,000 of medical expenses. A deductible of that size is approximately double the deductible of most employer plans.

Therefore, the provisions will encourage employers to reduce coverage for workers and their families by increasing deductibles, and shifting even more costs on to employees. The resulting cost savings will be enjoyed by the employer because there is no requirement that those savings be passed on to the employee.

For many low to moderate income American families, the tax benefits are worthless. The only thing they would receive from the health savings account provisions is reduced health care coverage. The HSA provisions are designed to benefit employers and upper-income management, not the hard working regular employees who are being crushed by today's economy.

Because of gross financial mismanagement and misplaced priorities, we have only $400 billion to spend over the next 10 years on getting seniors and the disabled the prescription drugs they need to live. As we look at the skimpy benefit package the Republicans have put together we have to wonder how we can still afford to spend 100s of billions of dollars on pre-emptive war. But, that is the box they have put us in, and that is what we need to deal with. So, if we only have $400 billion, it is irresponsible to spend $174 billion of it on a tax shelter that will erode the health insurance coverage of those who really need it.

This money would be much better spent improving the drug benefit, getting coverage to the growing number of uninsured, or bringing down our deficit. The Republican bill leaves nearly half of all seniors with no coverage for part of the year, even while they continue to pay premiums. Vote ''yes'' on the Bishop motion to fill that gap in coverage.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of the motion to instruct conferees on H.R. 1 offered by my colleague from New York, Mr. BISHOP, and I commend him for offering it.

Medicare, which Republicans fought against at its inception and continue to attempt to undermine today, is an entitlement. It is available equally to everyone over the age of 65 who has paid into the system, and provides the security and peace of mind individuals need and deserve when they are disabled, or have reached retirement.

This motion to instruct the Conference committee would strike the new savings accounts portion of the House bill, and use the $174 million instead to close the gaping hole that 48 percent of Medicare beneficiaries would fall through.

In addition to making good common sense, it also makes good on our promise to seniors to give them a prescription drug benefit. We did not say a half a benefit or three quarters of a benefit, or a ring of a benefit, but a comprehensive benefit.

Additionally, I would further instruct the conferees to ensure that no group, regardless of income, should be left out or be made to pay for inclusion in this program. To do otherwise would further undermine Medicare. Low-income patients, who depend on Medicare's assurance of access to healthcare, must not be kicked off the program and on to Medicaid, especially since this benefit is not fully extended to the American citizens living to the terrorities. To do this would renege on the basic promise of Medicare to all of its eligible seniors and disabled.

In reaching an agreement, I would call the attention of the conferees to the fee-for-service chronic care management provisions especially as included in the House provisions. This is a good provision that would do much to cut the skyrocketing cost of health care to those most at risk for either acute or chronic institutionalization.

Finally I would point out to the conferees and all of my colleagues, that this benefit is not scheduled to take effect until January of 2006. Rather than kill or damage an important safety net program in this time of great uncertainty, let's wait and take the time to do it right.

Although, I fundamentally disagree with the premise and direction of both the House and Senate prescription drug bills, it should be noted that the Republican prescription drug plan does nothing to expand prescription drugs to the million of seniors that are in dire need of such help.

Both bills have a gap in coverage for Medicare beneficiaries, but the Senate bill, unlike the House bill, has no gap in coverage for low-income seniors. Under the House bill, low-income individuals receive no assistance in meeting their drug costs over $2,000 until they have spent $3,500 out of their own pockets on prescription drugs; 41 percent of total income for someone at the federal poverty level.

The House bill provides virtually no low-income assistance for those with incomes over 135 percent of poverty ($12,123 for an individual). The Senate provides substantially assistance for individuals with incomes up to 160 percent of poverty.

The House bill includes an assets that will prevent many low-income people from receiving assistance. The Senate bill allows low-income people who do not meet the assets test to qualify for the same assistance available to those with incomes between 135 and 160 percent of poverty.

No prescription drug program that does not provide comprehensive, low-cost prescription drug coverage to low income senior citizens can meet the needs of our constituents. The special benefits provided the low income under the Senate bill effectively addresses our concerns. However, the principle of universality and nondiscrimination that is central to the Medicare program demands that basic drug coverage be provided through Medicare, as specified in the House bill.

The Senate low-income assistance provisions are far superior to the House provisions, and these assistance provisions are of particular importance to the Nation's African American communities. There are 2,853,000 African American Medicare beneficiaries over age 65. Of these, almost 22 percent or 626,000 individuals are below 100 percent of the Federal Poverty Level ($8,980 for an individual, $12,120 for a couple). Another twenty percent live on incomes between 100 percent and 150 percent of poverty. This compares to a total of 9 percent of Caucasian senior beneficiaries below 100 percent of poverty and another 14 percent of Whites living on incomes between 100 percent and 150 percent of poverty.

As you can see, nearly twice as many African-American Medicare beneficiaries are living in poverty compared to the total Medicare propulation—and that means the pharmaceutical drug needs of this population are not being met.

For example, low-income Medicare beneficiaries without prescription drug insurance are able to fill only about 20 prescriptions per year, compared to 32 prescriptions per year for those with insurance. By providing better assistance to the low-income, the Senate bill will help fill this 'prescription gap.'

The differences in the low-income provisions of the House and Senate are clear:

House provides deductible and co-pay help only up to 135 percent of poverty ($12,123 per year for an individual);

Senate provides meaningful help up to 160 percent ($14,368 for an individual);

House imposes an asset test as a condition of getting low-income assistance. The asset test means that a low-income person is ineligible for assistance if they own any disposable assets (like U.S. savings bonds) of more than $6,000 for an individual or $9,000 for a couple. This test disqualifies several million low-income beneficiaries from getting any special assistance;

The Senate permits even those who do not meet the asset test to get special assistance in meeting the costs of co-pays and deductibles;

The House does not provide any assistance whatsoever to the low-income when they have $2,000 to $4,900 worth of prescription drug expenses (when they are in the so-called donut hole);

The Senate provides substantial help in meeting 80 percent to 95 percent (depending on exactly how low-income an individual is) of the costs of the ''donut.''

When you combine all these provisions, the impact is dramatic. For example, if a Medicare beneficiary is living on $12,123 a year (135 percent of poverty), and his or her doctor has prescribed $3000 worth of medicines, in the House bill, the beneficiary will owe $1,114 out of pocket (assuming they meet the asset test and have almost no liquid assets). Under the Senate bill, the person will only owe $150. Under this example, an individual who obviously had medical problems and has other out-of-pocket expenses for doctors, tests, etc., would have to spend more than one month's income on prescription drug cost sharing.

Furthermore, I believe that in addressing the low-income provisions, conferees must add language that will allow for full participation of the U.S. territories within the Medicaid program. As you know, the U.S. territories' Medicaid programs are capped and any coverage provision extending aspects of these programs do not translate to the U.S. territories.

Again, to help close the disparities in our society, we ask you to urge the House-Senate conferees to support the Senate low-income assistance provisions. Adopting the Senate's subsidy provisions will make a major improvement in the lives of our nation's most vulnerable Medicare beneficiaries. Mr. Speaker, we need to pass a meaningful prescription drug plan that uses Medicare to make drugs affordable and provides a universal, voluntary benefit for all seniors. I urge my colleagues to support this motion to instruct.

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

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

There was no objection.

The SPEAKER pro tempore. The question is the motion to instruct offered by the gentleman from New York (Mr. BISHOP).

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

Mr. BISHOP of New York. 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. FLAKE. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. FLAKE of Arizona moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed within the scope of conference to include income thresholds on coverage.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Arizona (Mr. FLAKE) and

the gentleman from Ohio (Mr. BROWN) each will control 30 minutes.

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

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

I rise today to make this motion to instruct the conferees. We are dealing now with a prescription drug benefit to Medicare that is simply uncontrollable in terms of cost. We believe that we ought to control that cost by means-testing the program. There is no reason in the world why we ought to be paying the prescription drug benefits for the wealthiest in society, the Bill Gates, the Barbra Streisands, the Ted Turners, the Warren Buffetts.

Think about this: With this prescription drug benefit that is part of Medicare if this bill passes, we will be paying the prescription drug benefits for the wealthiest in society.

Let me tell you what that means. The current drug bills are estimated to cost $400 billion over the next 10 years. That is $400 billion over the next 10 years to add this prescription drug benefit. If we look beyond that 10-year window into the next 10-year window, then it gets even uglier. From the years 2014 through 2023, that 10-year period after the first 10-year period, the drug benefit is projected to cost $772 billion. So $400 billion the first 10 years, $772 billion the next 10 years. That rapid growth rate will continue all the way through the year 2030.

In fact, what it means in the year 2030, let me just give you a scenario here. Married couple, 40 years old. This strikes home because I am 40 years old myself. This particular couple already pays 15.3 percent in payroll tax to fund current Medicare and Social Security beneficiaries. Because the payroll tax will not provide enough revenue to fund Medicare for all retirees, this couple also faces $39,894 in additional taxes between now and their own retirement in the year 2030.

Think about that. Because we are going to run out of money, because we do not have enough money in the Treasury and in trust fund accounts to fund this, one couple between now and 2030 will have to pay $39,894.

The proposed prescription Medicare drug benefit will make up, of this amount, $16,127. Sixteen thousand extra dollars between now and 2030 will be paid simply to pay this prescription drug benefit, largely because it is an entitlement. It is an entitlement. That means that we give the benefit to everyone.

Entitlements are out of control simply because you set a level for benefits and you say whoever enrolls will get that benefit and they are labeled uncontrollable in terms of what the costs are. We simply cannot control it, because it depends on how many are eligible and what the benefit levels are, and we are setting the benefit levels here, and so we have that kind of cost to look forward to.

When we look back to 1965 when Medicare was created, it was projected to cost $10 billion annually. It is costing $244 billion annually at the moment. That is on a pace to double over the next decade, and then it will expand exponentially beyond that time when the baby boomers start to retire. We simply cannot afford to do what we are proposing to do.

When we look at what we are proposing to do as well, it does not make any sense, given how demographics have played out. Census Bureau figures show that poverty among the elderly has plummeted. In 1959, 35 percent of the elderly lived in poverty compared to just 10 percent today. That is a reversal in relative position of the general population. In 1959, 35 percent of the elderly lived in poverty compared to 25 percent of the general population. In 2001, 10 percent of the elderly lived in poverty compared to 12 percent of the overall U.S. population.

□ 1615

And what this means is that we are shifting a huge financial burden to those who can least afford it, the young, from those who can most afford it at this point, the elderly. That is simply unwarranted.

During the break when I was home, I ran into a gentleman who was in his 80's and he pulled me aside and said, ''I know you are a Member of Congress.'' He said, ''Let me tell you, my wife is ill, and we spend about $600 per month for prescription drug benefits.'' And I thought, oh, no, here it comes. He is going to say get back here and vote for that bill. Instead, he said exactly the opposite. He said, ''We can afford it. Don't you dare saddle that burden on my grandkids.'' And I know there are a lot of people who feel the same way, a lot of people who say there is no way we should saddle this burden on generations to come. It is simply unconscionable.

When I announced my intention to vote against the House version of the bill in its present form, I gave a quote from George Washington after the Constitutional Convention. He simply said, when asked, when he was defending the kind of government that was set up, when it was a different kind of government than the people expected he said, we cannot do what we know is wrong; otherwise, how will we defend our work later? In particular, he said, ''If to please the people, we offer what we ourselves disprove, how can we afterwards defend our work?''

We as, Members of Congress, know the costs. We know the history of Medicare. We know what this new benefit will cost. And unless we means test it, unless we make sure that it is not a benefit for everyone, that it is simply targeted to those who can least afford it now rather than everyone, we know what will happen. We know that we cannot afford it. We know that future generations and ourselves, our own kids are not going to be able to afford the tax burden to sustain it. We know that it will make an already insolvent situation for Medicare insolvent all that much faster. So we simply cannot afford to go on the road we are going. And I think we ought to heed George Washington's word and do what we know is right, regardless of what we think the people want, regardless of what the last poll says, regardless of what we hear at one meeting or this one. We are sent here to do what we know is right, and we know that this will bankrupt us. So we know we have to take a different course, and I would submit that the course we need to take is to means test it.

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

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

Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Arizona (Mr. FLAKE). I respect my colleague. I think that he is intellectually consistent and honest, something that we do not see on this floor nearly enough, and I appreciate his thoughts. I do not agree with him, but I think that he is bringing this to the table with the right attitude.

I do hear him say, however, in talking about the gentleman that he spoke about in Arizona that he met, the older gentleman whose wife and he were spending $600 a month on prescriptions and saying he did not want to saddle his grandchildren with debt, I mean this Congress has been all about saddling our grandchildren with debt, with tax cuts, with spending in Iraq, $1 billion a week with no accountability to private contractors, much of that money going to contributors to the President, much of that money going to Halliburton, a corporation which still pays Vice President CHENEY $13,000 a month, and those costs or those expenses are being paid by our grandchildren because that $87 billion this Congress will vote on in the next 2 or 3 weeks is going to be borrowed money.

That being said, I rise in opposition to the Flake motion. If there are Members of Congress who want to rewrite Medicare to make it a welfare program, which the Flake motion does, then let us have that debate. But just as it is wrong to co-opt seniors' need for drug coverage, to turn Medicare into a privatized insurance voucher program, it is wrong to capitalize on the coverage gap to turn Medicare into a means test and welfare program.

Medicare has enjoyed widespread popularity in this country, not only because it provides an essential safety net for America's most vulnerable seniors, although that is certainly a critical mission, it is also popular because it treats every American senior fairly. It is an insurance program that we should not fracture, one that has universal coverage, one that works for everyone, one that virtually everyone in society supports, and one that has worked as well as any Government program in our history over the last 38 years.

Understand that while by most major health indices: life expectancy, rate of vaccination, child mortality, infant mortality, maternal mortality, most measurements of health care, indices in this country, the U.S. does not rank very high compared to other wealthy countries, but on one measurement we rank near the top, and that is life expectancy at 65. If one reaches the age of 65 in the United States, chances are they will live longer than people, on the average, in almost any other country in the world. That is because Medicare treats everyone fairly, whether it is the retired factory custodian of modest means or whether it is the more affluent retiree who actually owns the factory. The Flake motion makes a radical change to this decades' old and very successful universal health care program that we call Medicare. The Flake motion asks the conferees to ensure the final bill includes a means-testing requirement. For the first time since its creation, Medicare would then look at the custodian, the poorest senior, the middle-class senior, the wealthy senior, and the plant owner all differently. All of them have paid into Medicare. The plant owner, frankly, has paid in more over his working lifetime than the custodian has, but under the Flake motion, Medicare offers the wealthy owner less coverage than his former employee. The Flake motion would turn Medicare from a national retirement savings program into a welfare program, undermining the popular support, undermining the universal support that Medicare has enjoyed in this country for 38 years.

A vote for this motion is a vote to weaken the pillar of fairness that supported Medicare for these 3-plus decades. The gentleman from Arizona's (Mr. FLAKE) motion also backs a means-testing plan that would almost certainly cut benefits for middle-class seniors. The House means-testing language would begin benefit cuts at income levels of $60,000. Sixty thousand dollars is hardly a Ken Lay lifestyle, especially in these days of ever-increasing health care costs.

I hear from my constituents week after week after week concerned that the cost of their health care insurance continues to grow with no end in sight. I hear it from seniors. I hear it from young, working families. I hear it from people who are close to retirement. It would seem to them that regardless of their income, regardless of how well they have planned for their health care future, that health care costs are eating up their savings. A Medicare prescription drug benefit that leaves any hard-working American out in the cold should be unacceptable to Members of this Congress. At least my Democratic colleagues and I think it is.

Let me be clear. A vote for the motion from my friend from Arizona is a vote to cut Medicare benefits, ultimately of middle-income Americans. Sixty thousand dollars now; that number could continue to be brought down in the next motion and the next motion and the next motion until public fee-for-service Medicare is only a program for the poorest and the lowest-working income people in this country.

A vote for the Flake motion is also a vote to increase bureaucracy and reduce privacy protections for American seniors. Here is how that works: House language would require Medicare to send a list of beneficiaries to the Internal Revenue Service. The IRS would respond with income information for every senior in Medicare. Medicare would then send that personally identifiable financial information to private health insurers that provide coverage under Medicare. I sure hope we get the do-not-call legislation enacted constitutionally, get it passed a court test if that happens. Surely, our Medicare cost-containment strategy should amount to more than adding paperwork in Medicare, increasing the bureaucracy at IRS and sending seniors' private tax information to HMOs.

The gentleman from Arizona's (Mr. FLAKE) concern, however, about the growing cost of Medicare is justified. The conference negotiations over H.R. 1 offer us an opportunity, an important opportunity, to address that concern by including clear, specific direction for the Government to negotiate with pharmaceutical companies reasonable prices for the medicines American seniors so desperately need.

We all know that growing health insurance costs are being driven by the skyrocketing costs of ever-increasing prescription drug costs. That is the 800-pound gorilla in the health care cost room. The House bill simply ignores it.

If we are really concerned about cost, we should instruct the H.R. 1 conferees to give Medicare real authority to protect seniors and taxpayers from rising drug costs. We are the only country in the world that lets the drug companies charge whatever they want. That is why we pay two times, three times, four times as much as the Canadians and the French and the Germans and the Israelis and the Japanese and the Brits pay. We should not instruct the conferees to cut the benefits of middle-income Americans and erode popular support for Medicare. We should, in this legislation, instruct the conferees to go after the high cost of prescription drugs.

I urge my colleagues to join me in opposing the motion from the gentleman from Arizona (Mr. FLAKE).

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

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

Let me say I have never heard so much concern for the rich coming from the other side of the aisle here. I just am overwhelmed with the concern that is over there that people like Arnold Schwarzenegger and others will not be able to afford prescription drugs without Government help.

And if you are concerned about the health of Medicare as a program, do not go with this program as it is outlined without a means test, because this will bankrupt it, and it will all be gone unless we do something to bring down the cost, and the best way is to ensure that it is targeted to those who need it most, not the wealthy who do not need it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE), who has been a leader on this issue.

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time and for his courageous motion.

It is late in the workweek, Mr. Speaker, for us on Capitol Hill, and things tend to get a little blurry for Members of Congress when we put in a full, 3-day week. So I am going to try to unpack this a little bit, as I strongly endorse the motion by the gentleman from Arizona (Mr. FLAKE) which simply structurally affirms the idea of using income thresholds or means testing as a way of controlling costs in the Medicare prescription drug legislation that is currently being considered by a conference committee in the House and Senate.

This is not a radical and new idea, Mr. Speaker. In fact, according to our information, not only was means testing included in the catastrophic elements of the bill that passed the House, but also when the U.S. Senate signaled its support for means testing in June, there was an amendment that was drafted and sponsored by Senators NICKLES and FEINSTEIN. It prevailed on a test vote. Some 59 Senators indicated preliminary support for means testing as a way of controlling the extraordinary cost that we will place on working Americans in the future. Remember, entitlements are paid for by payroll taxes by working Americans. But because Senator TED KENNEDY, in effect, we are told in media outlets, raised the possibility of a filibuster, the amendment was not considered and was withdrawn.

So the idea that the Flake motion considers, Mr. Speaker, and that is brought so respectfully before all the Members of this body, but most especially the hard-working Members of our leadership team, is an idea that had broad support in this Chamber and arguably, by media accounts, in the Senate.

□ 1630

And I must tell my colleagues, I have great respect for the gentleman from Ohio. His passion and his eloquence on this floor is always memorable. But rather than reflecting on the remarks he just made, I would rather reflect on the motion that was debated in the hour prior to this one, which, as I sat on the back row of the Chamber, Mr. Speaker, was all about how the Medicare prescription drug benefit was too small, it did not spend enough, the

Democrat motion to instruct conferees argued, in sum. And I submit to my colleagues that the debate we heard last hour is a preview of the debate that will follow on the floor of this Congress every year if we create a universal drug benefit, a new entitlement in Medicare, a one-size-fits-all prescription drug benefit. It will, as we hear in every other entitlement, Mr. Speaker, it will simply be one other subject that our friends on the other side of the aisle will come into this Chamber and argue is insufficiently funded, and it will grow and it will grow and it will grow.

I believe in my own mind that the opposition by some to means testing here is because they know that if we create a prescription drug benefit that is based on the income of Americans, that it is, therefore, by definition not an entitlement. If we say that the person who owns the limousine and the person who drives the limousine are entitled to the same amount from the Federal Government in free prescription drugs every year, we have created an entitlement. If we create a difference there, we simply create a manageable government benefit. The Flake motion contemplates that, and I endorse it strongly; and the marketplace in need here also endorses it strongly.

I have to tell my colleagues, I do about 50 town hall meetings a year in my district; and I have become persuaded, Mr. Speaker, that there are seniors who struggle, in some cases, in heart-wrenching manners with the cost of prescription drugs. Statistics show us that nearly 24 percent of seniors have no access to drug coverage, and approximately 5 percent of seniors have out-of-pocket prescription costs of more than $4,000 per year. I would, as conservative as I am, and I would dare say even many of my colleagues would, be prepared to support the kind of program that President Bush called for to begin with: a program, we will call it Plan B, which would focus resources at the point of the need and leave the prescription drug coverage that 76 percent of Americans already enjoy untouched.

The reasons for this include the fiscal realities that the gentleman from Arizona (Mr. FLAKE) cited: the initial 10-year cost projected at $400 billion a year, from 214 to 223, though the numbers go up to a projected $772 billion, adding $2.6 trillion indebtedness to Medicare, a number almost the size of the national debt today. And why is that? It is because, Mr. Speaker, that there are 37 million people today entitled to benefits under Medicare; and by the time my baby boomer generation gets done retiring in the 2020s, there will be over 70 million Americans eligible for benefits in Medicare. Means testing and income-related testing is the only way of defeating the creation of a massive new Federal entitlement. I rise today to endorse it as a principle, as a concept, and as an idea whose time has come.

Nancy-Ann DeParle, President Clinton's Medicare administrator, issued inadvertently a warning about the work that we do here, saying that what Congress had contemplated would be ''the biggest expansion of government health benefits since the Great Society.'' And so it would, unless we bring Republican principles of limited government and fairness to bear on the challenges facing many seniors; unless we create a program built on that principle expressed by Abraham Lincoln when he said that government should ''never do for a man what he could and should do for himself.'' That is simply a principle of limited government, and it is also a principle of fiscal responsibility, and it is the principle underpinning the motion to instruct conferees brought today by the gentleman from Arizona (Mr. FLAKE).

I would submit to my colleagues, Mr. Speaker, that compassionate conservatism is about focusing solutions at the point of the need. Let us help our seniors near the poverty level with urgent and sufficient prescription coverage. Let us bring about reforms in Medicare so it is there for the future, without placing an undue burden on our children and grandchildren; and let us otherwise do no harm to the private sector foundation of the greatest health care system in the world.

For this reason, I strongly support the Flake motion to instruct conferees. I strongly support controlling costs through income thresholds on coverage, means testing, as it has come to be known; and I strongly support that principle for which our party was rewarded the ability to lead this institution, the principles of limited government and fiscal responsibility that I believe would be advanced by maintaining the means testing that was in the House bill; and if I can also offer, Mr. Speaker, expanding that means testing throughout the course of this benefit, so that we can truly focus the resources on those who need it most.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE), who is a leader in this institution and in the area of health care.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. PENCE) for being honest about what he is trying to accomplish with this motion, but I have to say that his comments were very upsetting to me. Because if we listen carefully to what he said, it was a radical proposal. He said it was not radical, but it was extremely radical for the following reason: he said he does not want Medicare to be an entitlement. He said he wants means testing to extend to the entire Medicare program. And that is what the Republican ideology is all about. They do not want the Medicare program the way it was set forth 40 or 50 years ago when it was first set forth in this House of Representatives as a program that applies to every American senior.

Right now, every American senior gets the same benefits wherever they live, regardless of their income, regardless of their race, or regardless of anything, as long as they are a senior citizen. But if we listen to what the gentleman from Indiana said, what they would like to do through means testing is say that the program will be limited only based on one's income.

Now, in this motion to instruct, they say that seniors who earn more than $60,000 a year, $120,000 for couples, will not have the catastrophic coverage which is above $5,100 in the House bill. But if we listen to what the gentleman said, there would be nothing to stop us; in fact, he probably advocated today to perhaps lower that threshold below $60,000. Maybe next year or next month we will make it 30 or 40, or perhaps we will extend it to other parts of the program. So it would not just be for the catastrophic coverage, but maybe for the drug coverage in general, or maybe for the whole Medicare program.

I, listening to his remarks, would have to conclude that he would not have a problem means testing hospital care or doctors' care, so that if one is making $60,000 or more per year, maybe one would get hospital coverage under Medicare.

Well, that is what this Republican leadership is all about. Let us not forget that the Republicans did not vote for Medicare back in the 1960s when it first began. Let us not forget that many of the leadership, including Speaker Gingrich a few years ago, said that Medicare should wither on the vine, whatever that means; and that is what this motion is all about. They wanted to kill Medicare ultimately. They want to make it so limited that it only applies to a few people.

Now, I heard the argument. One of them was philosophical: well, it is just not right to cover everybody. But then I also heard the fiscal argument, which was, well, we cannot afford it anymore. Why can we not afford it? Well, we can afford it. But the reason they have made it more difficult to afford is because they have implemented all of these tax cuts for the last 2 years on the Republican side with a Republican President, and they are borrowing money from the Medicare trust fund to pay for the debt that has resulted from those tax cuts that have mainly benefited wealthy corporations and wealthy individuals. So they are forcing Medicare to go broke because they are borrowing from it and making the trust fund not have the money that it should have that people have paid into.

Mr. Speaker, I am extremely upset because on the one hand, I appreciate the gentleman from Indiana's honesty and the philosophy and the idealogy that he has laid up here, but on the other hand it is upsetting to me to think that people really feel that way and they want to do this to the Medicare program.

Think about it. In my home State of New Jersey, they say $60,000 is a lot for a person, or whatever the figure is for a couple. Well, $60,000 is still middle

class in New Jersey, and I am very fearful of the domino effect. Well, if we have another tax cut in another 6 months or a year and we borrow more from Medicare and we say we do not have the money, then they will reduce it to $50,000 or maybe $40,000. Well, what happens to the Medicare program? As my colleague from Ohio, the ranking member on our subcommittee, said, at some point, at some point, the Medicare program does not have the political support anymore because fewer and fewer people will be able to take advantage of it. That is what this is all about: killing Medicare. That is what my Republican colleagues are up to.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume to note that our motion to instruct contains no income figures or thresholds at all. The $60,000 figure that is cited is simply part of the Republican base bill that was passed in this House. We are simply establishing the principle of means testing. Now, I would suppose that if that was set at $100,000 or $200,000 or $300,000 or $400,000 or a half a million dollars, the cry from the other side of the aisle would be the same: do not means test it. Do not means test it. We want an entitlement. And that is what we are fighting about here. We simply want to say that we ought to target those who need it most, not spread it out so we bankrupt the system too quickly.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I appreciate the remarks of the gentleman from Arizona. What we are really talking about here is means testing versus entitlement. Means testing says, we do not want to tax poor people to put drugs and Medicare into the accounts of Bill Gates. And entitlement means, we are going to do that for everybody so we can level this across all classes of people in America. That is not the American way. We do not do things like that. We are here for the underdog, and that is what means testing does. It protects this system for the poorest among us.

If we listen to some of the discussions about Social Security reform, we will hear, raise the age, lower the benefits, increase the contribution. All of those things are part of what happens if we do not provide for means testing, because then we have to draw it out of the pockets of the working people.

I am from Iowa. In Iowa we pay attention to Medicare. We are last in the Nation in compensation rates where I come from. I represent a district that has 10 of the 12 most senior counties in Iowa, and in Iowa we have the highest percentage of our population over the age of 65. We are extraordinarily sensitive to providing these resources to people who need it.

When I came here to this Congress, I pledged to support a prescription drug Medicare plan that was means tested and also provided for the reform in Medicare so that we could utilize those dollars in the most effective way possible and penalize the producers in this country the minimum amount possible. We do not have that in what is appearing to come together before our conference committee. I rise in support of the Flake motion to instruct for that reason, so that we can promote means testing and impose the idea of this entitlement, which weighs down this system.

So how did we get here? Two years of expectations raised by the Congress that said we are going to do prescription drugs. That brought us to this point. Then we set this number up on the wall that said $400 billion, then began to write prescription drugs-Medicare that hit that $400 million target. Really, the actuaries drove a lot of this policy, and it does not appear to resemble the things that I came here to support.

So I am for reform. There are places in this country where they get more money for Medicare compensation than they need and they use that to buy down insurance premiums in private payers in places in this country where they get substantially less, and Iowa is one of those. We are not addressing quality care or cost effectiveness. In an effective way, our $400 billion plan is about 25 to $27 billion worth of reform, and the balance of it is prescription drugs because it is an entitlement.

Mr. Speaker, I think the Flake motion goes directly to the heart of this, and to carry this philosophy into the conference committee and bring it out and bring it out to the floor with really the right thing for the right philosophy for Americans is the thing that we ought to do.

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

□ 1645

Mr. SANDLIN. Mr. Speaker, I rise in opposition to my colleague's motion to instruct conferees to include means testing in H.R. 1. Such an instruction is opposed by America's seniors and would be a horrible mistake for this body.

Let us make no mistake about the nature of the gentleman's motion. It is simply another step along the Republican plan to completely destroy Medicare. It is as simple as that.

Implementing means testing obliterates the fundamental tenet of Medicare as a universal insurance program for everyone in this country. That is the foundation of Medicare. That is what it is. Efforts to means test Medicare destroys that program.

If this provision survives the conference, a provision that was soundly defeated in the United States Senate, our Congress would be the first in history to tax the middle class twice for their benefits. It is important to remember that means testing is not just for wealthy celebrities, as has been discussed. It applies to our Nation's middle class, to people making about $60,000 a year.

In both the House and the Senate drug plans our seniors already have to endure large gaps in coverage, gaps where they get no coverage but they have to pay a premium. Under this provision many of our middle-class seniors will not enjoy catastrophic limit protection until they personally spend $11,000. That is not fair, and it equates to no plan at all.

Further, when we talk about means testing, we cannot forget Medicare financing. Today, every Medicare beneficiary gets the same benefits and pays the same percentage of taxes into the program. This means those with higher incomes have been paying more into Medicare. This means that under this motion the very individuals that Congress wants to deny benefits to have been paying a larger proportion of the funds that sustain Medicare.

Now, on a side note I find it very ironic that the majority, which claims to want to minimize the government's role in our citizen's lives, will be creating a significant new government bureaucracy through means testing, one that will threaten the privacy of our Nation's seniors. After all, in addition to this provision, the Medicare administrator will be sending the IRS the names and incomes of seniors who will then forward this confidential information on to private insurance companies. That is kind of inconsistent, especially with Congress's strict demands on hospitals regarding the privacy provisions of HIPAA.

We do not need to embark on this dangerous path to dismantle Medicare. We do not need to give up the privacy of our seniors. Do not let the IRS send your private financial information to private insurance companies.

We have to respect our seniors. We have to respect our commitment to our Nation's seniors. Our elderly need stability in their health care. They have earned it, and they deserve it.

I urge Members to vote against this motion, protect our seniors, protect their privacy, defeat this motion, and let us focus our efforts on a strong Medicare and on a prescription drug plan that makes drugs available and affordable for all of America's seniors.

Mr. FLAKE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, I admire altruism. I am very impressed when people want to help other individuals. I am very skeptical of altruism when it is funded with other people's money.

When we look at this Medicare prescription drug benefit, I think we ought to think about the young families in our country that are working very hard to make ends meet. Many of them are in their 30s, their 40s. They have young children. They are trying to figure out how they are going to pay for their little guy's glasses, the little boy in the second grade that cannot see

the bulletin board. They are trying to figure out how they are going to have any quality time together because mom is working and dad is working and somebody has got to pick up the kids and somebody has got to buy the groceries. They are frazzled young families. They are trying to do the right thing by their family, but they are also trying to figure out how they are going to pay their taxes and they are going to make ends meet.

When we look at these families and look at families where people are working in their late 50s and early 60s and they do not really have a very good prediction, good future for their retirement and they are working on because they are trying to make ends meet also, maybe we ought to think about those people before we try to figure out how we are going to give a benefit to the wealthy that do not even need it, the wealthy Americans who, God bless them, have been successful.

I am all for people accumulating wealth and enjoying it and being very prosperous, especially when they have made good plans and in the elder years of their lives they are reaping the benefits. But it makes no sense to me to increase the tax burden on our working families to give a benefit to people that have not asked for it that are going to try to figure out how many weeks they are going to spend on their yacht. This does not make sense.

I support the Flake motion. We need to have a means testing. It is common sense. That is how we need to be responsible with the only way government gets its money: from taxing our citizens.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, I hope that everyone who was not here today, our colleagues, will read the words in the CONGRESSIONAL RECORD and understand where the two parties are coming from. The gentleman from Arizona (Mr. FLAKE) has made clear that what he wants to do is to make sure that prescription drugs is not an entitlement. So, therefore, he wants to means test for those earning $60,000 and above. We must make clear that the logic is it will be reduced from 60 to 50, to 40. That will erode the Nation of an entitlement, if you are consistent.

So this is not a slippery slope. This is a sure path to destroy the prescription drug benefit as an entitlement. You have made that pretty clear. The logic leads to no conclusion but that. Then if you want to erode prescription drugs as an entitlement, the next logical step is to do the same for Medicare, if you are logical.

Then I am totally confused by the gentlewoman from Colorado (Mrs. MUSGRAVE) who says that we do not want to give this benefit to the wealthy. $50,000, $60,000, $70,000 is wealthy? And I would like to know where the people who have spoken for this motion were with the child credit vote, where we were talking about $15,000, $20,000. My guess is that the gentleman who is in support of this voted against it.

Then I would like to ask, after this discussion about let us not help the very wealthy, how you voted in terms of the estate tax that applies only to a few thousand people a year, to indeed the wealthy, where I think almost by rote all of you supported the elimination of the estate tax.

So this is clear, number one, you want to destroy prescription drugs as an entitlement; and, number two, you are totally inconsistent when you say someone earning $60,000 or $70,000 should not have the full benefit of a prescription drug plan, but then you vote not to give a child credit to people earning between $10,000 and $25,000. Then you vote that the 3,000 or 4,000 very, very wealthy families in this country, very few of them who are farmers, who are in small business, should be able to pass on millions, millions, and millions without paying estate tax.

I hope this discussion will be read by everybody before they vote and understand the meaning of their vote. Destroy prescription drugs as an entitlement and have crocodile tears because the very wealthy would benefit from a prescription drug benefit when all of your other votes show that you do not have that same sensitivity when it comes to the tax structure of the United States of America.

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

Mr. Speaker, I want to point out I am a little confused myself in terms of what is rich. On the other side of the aisle, they argued throughout the entire tax debate that the same middle-class individual, $60,000, $70,000, $50,000, are not going to benefit from taxes for the rich? What is rich? We set no standard in this motion to instruct. We simply say that we ought to have a means test. We have not pegged it at $60,000, at $70,000, $200,000, $300,000. We are simply establishing the principle that it should not be an entitlement.

If people are worried about it being a slippery slope, set it at $200,000. By the time that slippery slope ends, someone starting at 65 surely will not be around to collect. But set it somewhere, establish a principle that we should not be paying prescription drug benefits for the Bill Gates of the world.

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

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

Mr. PENCE. Mr. Speaker, I want to compliment my colleagues on the other side of the aisle for a vigorous, embracing debate, Mr. Speaker.

Apart from some of the class warfare rhetoric, I want to concede a particular point, that the introduction, as the Flake motion suggests, into the prescription drug benefit of income related standards of means testing is precisely about destroying the creation of a new entitlement. It is precisely that, Mr. Speaker. Because despite the fact that we are hearing our friends on the other side of the aisle speak with great generosity about the middle class and even the upper class today, it will not be any of us in this room, judging from the relative age as I look around this Chamber, who will pay for this entitlement, but it will be people like my 10-year-old daughter, Charlotte.

Sometimes God has a sense of humor, Mr. Speaker. The very day I was called upon to vote to create the largest new entitlement since 1965 was my daughter Charlotte's 10th birthday. I started the morning stuffing a pinata at 6 a.m. for her little-girl birthday party. It was a great day.

And it really was that experience that emboldened me to take the stand that I took in voting against this measure and to take the stand that I take today with Mr. FLAKE in saying that we must, almost regardless of the politics and the demagogic rhetoric that will be foisted on us from many quarters, we must do right by Charlotte. Because it will be Charlotte in 20 years, hopefully married to a good and Godly man, raising my grandchildren, who will be paying two and three times the payroll taxes that we pay today to pay for the benefits that we are on the verge of creating, Mr. Speaker. It is that plain and that simple. And to do that by taxing young Charlotte's family to support benefits to people who could and should provide for themselves, in the words of Abraham Lincoln, is unconscionable.

So, Mr. Speaker, I support the Flake motion.

□ 1700

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

Mr. Speaker, I thank both my friends from Indiana and from Arizona for their comments. I am just intrigued that people can stand on this floor in the majority party and talk about burdening our children and our grandchildren with debt.

When President Bush took office, we had a surplus, billions of dollars a year, a 10-year surplus well into the several trillion dollars projected. Today, after Republican control of the White House for only 2½ years, Republican control of the House during that time, Republican control of the Senate much of that time, we are talking about trillions and trillions and trillions of dollars in debt. This year alone some $550 billion deficit. And for then my colleagues, not just today but time after time after time, coming to this floor and railing against Democrats for spending, it makes me absolutely incredulous.

My friends on the other side of the aisle are now talking about bringing

forward to this House Chamber a constitutional amendment to balance the budget. In other words, we cannot balance the budget, but we are going to do a constitutional amendment to make us balance the budget.

The fact is, Mr. Speaker, that when they argue costs and debt and burden on our children, they ought to look at the tax cut that they have given to millionaires, $93,000 for the average millionaire in this country, half of my constituents got zero dollars out of that tax cut, but they have given a $93,000 tax cut to the average millionaire.

They have way overspent the budget when it comes to issues such as what they are now doing with Iraq. We spend a billion dollars a week. They want to spend $87 billion next year, probably more than that, that is just what they are telling us now, with little accountability. We do not know where the money is going. The private contractors are getting unbid contracts, they are friends of the President, yet they talk about saddling our grandchildren with debt as if it is Medicare that is saddling our grandchildren with debt.

My friend from Arizona, as I said, I respect him for his candor and his intellectual consistency and honesty, but what this is all about is about privatizing Medicare. They wanted to privatize Social Security. They wanted to privatize the national parks. They want to privatize Medicare. They want to privatize every section of the government that they possibly can.

That is their philosophy. That is fine. But let us not talk about means testing. Let us talk about what their mission is, to turn Medicare over to the insurance companies. That is what Medicare+Choice is about. That is what their argument is about. They can call it means testing. They can call it a lot of things, but ultimately, we know what it is. We know they want to privatize Medicare.

As my friend, the gentleman from New Jersey (Mr. PALLONE) has said, for 35 years it is clear that my friends on the other side of the aisle, for honest intellectual, philosophical reasons have not liked Medicare. In 1965, only 12 Republicans voted for Medicare. Strom Thurmond voted no. Gerald Ford voted no. Bob Dole voted no. And my favorite, Donald Rumsfeld, voted no at the creation of Medicare in 1965.

In 1993, when the Democrats saved Medicare, when its life expectancy was not really very long, Democrats passed, with no Republican votes, legislation to extend the life of Medicare.

In the mid 1990s Speaker Gingrich came forward saying that he wanted Medicare to wither on the vine. He tried to cut Medicare $270 billion to give another tax cut to the wealthiest people in society.

Then Dick Armey, the majority leader of the Republicans, BILL THOMAS, the chairman of the Committee on Ways and Means, they have consistently said how they do not like Medicare. This is about privatizing Medicare. It is not about Bill Gates. It is simply not about means testing. It is about privatizing Medicare, turning it over to the insurance companies and ending Medicare the way that we know it. I urge my colleagues to vote no on the Flake motion.

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

Madam Speaker, I thank those who have participated in this debate. I want all Americans to know that tonight they will all get a big raise. It seems that tomorrow that those on the other side of the aisle will come back and talk about how those who are earning $60,000 who are decidedly middle class when it refers to this bill, will be rich when it comes to talking about tax cuts. Which is it? Which is it?

I want to remind my colleagues here, again, that this motion to instruct says nothing about which income levels we ought to set this at. It simply says we ought establish the principle that this be targeted at those who need it the most. And this debate about whether or not we ought to look at the income of older Americans will probably be moot in another 30 years because, as I pointed out before, someone 40 years old today, like me, will spend, like me and my family, will spend about $40,000 in additional taxes, in additional taxes over the next 30 years. We will spend $40,000 in additional taxes because the payroll tax does not provide enough revenue to fund Medicare. This adds fuel to the fire. This simply blows it up out of control.

Now, anybody who has watched my voting record, or the voting record of my colleague from Indiana (Mr. PENCE), knows that we are not proud of our fiscal restraint here in this House, be it Republican or Democrat, over the years. But we ought to look at this program right now. This is what is up for debate. We cannot say, well, Republicans have grown the deficit or Democrats have done this, so it is okay. We are going to take this program, and we are going to blow it up over the next 30 years and even greater beyond that. That is simply not acceptable. We know better than to do that.

If we are spending $40,000 in additional taxes for the average family of four over the next 30 years, we will not have a debate about whether to means test anything in the year 2030 because too few seniors will have enough disposable income to actually fund it. We will all be dependent on Government. Maybe the other side of the aisle would like that, but I do not.

I think people ought to have the ability to save for themselves. There is a difference between tax cuts and benefits like this. Tax cuts, you are taking money that somebody has paid, or will pay, in taxes and saying, You do not have to pay that any more.

This benefit is taking from people who have paid in already, and you are taking that money and saying, We will give it to this person, instead of giving it back to you who earned it.

Madam Speaker, I would conclude and simply urge support for this motion to instruct. Let us do what is right. Let us do what we know is right.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to speak out against this motion to instruct conferees to include ''means testing'' of Medicare beneficiaries for prescription drug coverage. Although it looks like a good idea, looks are deceiving. This provision is unfair, will hurt people who deserve help, and will unnecessarily damage the Medicare program.

The idea of means testing is that seniors who earn more than $60,000 a year ($120,000 for couples) will not have the $5,100 stop-loss protection. Instead, they will have to pay more out-of-pocket before they get stop-loss protection because of their income. Therefore, this motion will force middle-income seniors to pay more for their drug coverage.

Means testing is unfair and inappropriate because it will tax middle-class seniors twice for their benefits. Today, the same Medicare benefits are available to all those who are eligible. Everyone pays the same percentage in payroll taxes and gets the same benefits out. It is not a welfare progam. All Americans who contribute taxes during their working years are entitled to the full package of Medicare benefits when they retire.

The House Republicans, however, are taking the first steps to turning Medicare into a welfare program, making middle-class seniors pay more for their Medicare benefits. Under the Republican bill seniors who earn above $60,000 a year will see their catastrophic limit raised from $5,100 to much higher levels based on their income.

This amounts to an additional Medicare tax on middle-class seniors—who already paid more money in Medicare taxes because of their higher earnings in the first place. So after giving massive taxcuts to the richest 1 percent of Americans, the House Republicans want to stick the bill for their mismanagement to senior citizens trying to get the health care they deserved.

Not only is this provision unfair, it probably will create a bureaucratic nightmare that will waste money, and ultimately not work. Because Medicare has no means testing now, there is no staff or system for managing data on seniors' income levels. Same goes for the IRS, where they have no protocol for exchanging private data on senior citizen incomes to the CMS, or to the insurance companies that ultimately are responsible for administering the prescription drug benefits, under the Republican plan.

As I understand it, the Medicare Administrator will need to send the names of seniors to the IRS, and the IRS will send back the seniors' income data for the previous year. Medicare will then send this very private information to private health insurance companies. Seniors' confidential information will be sent all across the country. This is a bureaucratic mess, and may well be illegal.

Not only will this scheme increase federal bureaucracy at the IRS and the CMS, but at private insurance companies as well. They will have different catastrophic levels for every senior above $60,000 in income. Giving the insurance industry income data on seniors and forcing them to create sliding-benefit structures, will also encourage plans to risk select, and pick out the cheaper seniors to be in their plans.

Once private insurance companies have income data on seniors, they can use it to selectively market their products to higher income seniors, who are likely to be healthier and use less health services.

This is a recipe for disaster. It is a step in the wrong direction for the successful and efficient Medicare program, that up until now has served every senior equally well. The approach taken in the Republican bill is wrong. We should not be taxing middle-class seniors twice for their Medicare benefits.

We should eliminate the means testing of catastrophic drug coverage in the House Republican bill. I will vote no on this motion, and urge my colleagues to do the same.

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

The SPEAKER pro tempore (Mrs. MILLER of Michigan). 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 Arizona (Mr. FLAKE).

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

Mr. BROWN of Ohio. 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.

HOUR OF MEETING ON FRIDAY, OCTOBER 3, 2003

Mr. FLAKE. Madam Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet at 10 a.m. tomorrow, Friday, October 3, 2003.

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

There was no objection.

ADJOURNMENT FROM FRIDAY, OCTOBER 3, 2003 TO TUESDAY, OCTOBER 7, 2003

Mr. FLAKE. Madam Speaker, I ask unanimous consent that when the House adjourns on Friday, October 3, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, October 7, 2003, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TUESDAY, OCTOBER 7, 2003

Mr. FLAKE. Madam Speaker, I ask unanimous consent that the call of the private calendar be dispensed with on Tuesday, October 7, 2003.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FLAKE. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

WASHINGTON INSIDERS' NEW FIRM CONSULTS ON CONTRACTS IN IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, as we in the House get ready to rubber-stamp another blank check for the President of the United States for $87 billion, I submit for the CONGRESSIONAL RECORD an article from the New York Times dated 30 September by Douglas Jehl. This is an article that talks about the company called New Bridge. The principals are Joe Allbaugh, who was Mr. Bush's campaign manager in 2000; Mr. Ed Rogers and Mr. Lanny Griffith, who were both White House assistants for the older Bush. These people work with Haley Barbour, who is running for the Senate down in the South. These folks have put together a program. Joe Allbaugh was FEMA director. He quit that job and went to work putting together the war-profiteering company they call New Bridge. They are going to go out there, and they are all swarming around. When Bremer was here in town, they had a big party, and they began talking about how they are going to get the contracts from the $87 billion. We are going to fund these war profiteers right out of the White House. They have no shame.

[From the New York Times, Sept. 30, 2003]

WASHINGTON INSIDERS' NEW FIRM CONSULTS ON CONTRACTS IN IRAQ

(By Douglas Jehl)

WASHINGTON, Sept. 29.—A group of businessmen linked by their close ties to President Bush, his family and his administration have set up a consulting firm to advise companies that want to do business in Iraq, including those seeking pieces of taxpayer-financed reconstruction projects.

The firm, New Bridge Strategies, is headed by Joe M. Allbaugh, Mr. Bush's campaign manager in 2000 and the director of the Federal Emergency Management Agency until March. Other directors include Edward M. Rogers Jr., vice chairman, and Lanny Griffith, lobbyists who were assistants to the first President George Bush and now have close ties to the White House.

At a time when the administration seeks Congressional approval for $20.3 billion to rebuild Iraq, part of an $87 billion package for military and other spending in Iraq and Afghanistan, the company's Web site, www.newbridgestrategies.com, says, ''The opportunities evolving in Iraq today are of such an unprecedented nature and scope that no other existing firm has the necessary skills and experience to be effective both in Washington, D.C., and on the ground in Iraq.''

The site calls attention to the links between the company's directors and the two Bush administrations by noting, for example, that Mr. Allbaugh, the chairman, was ''chief of staff to then-Gov. Bush of Texas and was the national campaign manager for the Bush-Cheney 2000 presidential campaign.''

The president of the company, John Howland, said in a telephone interview that it did not intend to seek any United States Government contracts itself, but might be a middleman to advise other companies that seek taxpayer-financed business. The main focus, Mr. Howland said, would be to advise companies that seek opportunities in the private sector in Iraq, including licenses to market products there. The existence of the company was first reported in National Journal, a weekly magazine of Government and politics.

Mr. Howland said the company was not trying to promote its political connections. He said that although Mr. Allbaugh, for example, had spent most of his career ''in the political arena, there's a lot of cross-pollination between that world and the one that exists in Iraq today.''

As part of the administration's postwar work in Iraq, the Government has awarded hundreds of millions of dollars in contracts to American businesses. Those contracts, some without competitive bidding, have included more than $500 million to support troops and extinguish oil field fires for Kellogg, Brown & Root, a subsidiary of Halliburton, which Vice President Dick Cheney led from 1995 until 2000.

Of the $3.9 billion a month that the administration is spending on military operations in Iraq, up to one-third may go to contractors who provide food, housing and other services, some military budget experts said. A spokesman for the Pentagon said today that the military could not provide an estimate of the breakdown.

Administration officials, including L. Paul Bremer III, the top American official in Iraq, have said all future contracts will be issued only as a result of competitive bidding. Already, the Web site for the Coalition Provisional Authority, http://cpa-iraq.org/, lists 36 recent solicitations, including those for contractors who might sell new AK–47 assault rifles, nine-millimeter ammunition and other goods for new army and security forces.

New Bridge Strategies was established in May and recently began full-fledged operations, including opening an office in Iraq, its officials said. They added that a decision by the Governing Council of Iraq to allow foreign companies to establish 100 percent ownership of businesses in Iraq, an unusual arrangement in the Mideast, had added to the attractiveness of the market.

Mr. Howland is a principal of Crest Investment in Houston and was president of American Rice, once a major exporter to Iraq. Richard Burt, ambassador to Germany in the Reagan administration and a former assistant secretary of state, and Lord Powell, a member of the British House of Lords and an important military and foreign-policy adviser to Prime Minister Margaret Thatcher, are among the 10 principals.

Mr. Allbaugh, the chairman, spent most of his career in Texas politics before Mr. Bush appointed him to head the federal disaster agency. Mr. Allbaugh, who now heads his own consulting firm here, did not return calls to his office today.

Mr. Rogers, the vice chairman who was a deputy assistant to the first President Bush and an executive assistant to the White House chief of staff, is also vice chairman of Barbour Griffith & Rogers, one of the best-connected Republican lobbying firms in the capital. Mr. Rogers founded it in 1991 with Haley Barbour, who became chairman of the Republican National Committee and is now running for governor of Mississippi.

Shortly after leaving the White House, Mr. Rogers was publicly rebuked by the first President Bush after he signed a $600,000 contract to represent a Saudi, Sheik Kamal Adham, who was a main figure under scrutiny in a case that involved the Bank of Commerce and Credit International. Mr. Rogers canceled his contract to represent the sheik, former head of Saudi intelligence.

Mr. Griffith, a director of the new company, is chief operating officer of Barbour Griffith & Rogers, which he joined in 1993. He was special assistant for intergovernmental affairs to the first President Bush and later worked under him as an assistant secretary of education.

Until November, Mr. Rogers' wife, Edwina, was associate director of the National Economic Council at the White House. Reached by telephone today, Mr. Rogers said he did not want to speak for the record and referred a reporter to Mr. Howland.

The company Web site says the company was ''created specifically with the aim of assisting clients to evaluate and take advantage of business opportunities in the Middle East following the conclusion of the U.S.-led war in Iraq.''

SPECIAL ORDERS

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

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

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

QUESTIONS ABOUT THE IRAQI WAR

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

Mr. BROWN of Ohio. Madam Speaker, about 160 years ago, Congressman and former President John Quincy Adams came to the House floor night after night, week after week to read letters from constituents, most of them women who did not have the right to vote in those days. He was protesting the decision by the conservative leadership of the House of Representatives, a decision which banned the discussion and debate of slavery on the House floor in those days. Because they had banned the discussion of slavery, Congressman JOHN Quincy Adams thought he should share letters from his constituents with Members of the House, with the American people.

Similarly, because Congress has not debated so many of the issues surrounding Iraq, the question of weapons of mass destruction, the question of some of the things that the administration said that they might have misled the people of the United States, discussions about how the $87 billion is going to be spent that the President has asked for, discussions of the hundreds of millions of dollars every week that we are now spending in Iraq, where there is no accountability for the private, unbid contracts, many of which are going to the President's friends, several of those contracts to the tune of hundreds of millions of dollars going to a company called Halliburton, unbid contracts, hundreds of millions of dollars every month. Halliburton is a company that is paying the Vice President of the United States $13,000 every month, a company where he was CEO.

Madam Speaker, I am going to read some of these letters, as John Quincy Adams did 160 years ago, allowing people in my district to speak about these issues that conservative House leadership will not let us talk about.

Madam Speaker, from Greg from Brunswick, Ohio said, ''The U.S. occupation of Iraq now costs $1 billion a week, as much as the Federal Government spends on after school programs for the entire year. Those are just military costs, not including any money for rebuilding Iraq. No weapons of mass destruction have been found.'' Greg writes, ''Nor have we seen any evidence of an active weapons development program, and there is no exit strategy. The administration has yet to present a realistic plan for how the occupation of Iraq will end.''

Lucy of Copley, Ohio, writes, ''There is more than one issue that must be addressed. I am very concerned that much of the money will be turned over to President Bush's business cronies for lucrative private contracts.'' She is talking about Halliburton and literally the hundreds of millions of dollars of contracts they have gotten, $13,000 every month that goes to the Vice President of the United States from that company.

''I have no absolutely no doubt that this will happen unless Congress puts some constraints on the administration. Please give a great deal of thought into all of the issues before handing Mr. Bush everything he wants, including that blank check.''

Kenneth of Richfield, Ohio, writes, ''I believe the President and his senior administration officials have misled the American people to pursue an agenda which they do not discuss in the election campaign and which is dangerous to world peace.''

Jerlene of North Royalton, Ohio, writes, ''President Bush seems to have had no real plan for what the United States would do in Iraq once we took over that country. Giving him $87 billion is not going to get a feasible plan on the table any faster.'' She talks about how we are paying a billion dollars a week now in Iraq, much of that going to unbid contracts, much of that money unaccounted for, yet, already having spent $70 billion the President is asking for $87 billion more. She cautions us to exercise caution about that money that the President is asking this Congress for.

She also mentions that this money is going to be borrowed from our children and grandchildren because it means more national debt to the United States.

Matthew of Akron, Ohio, writes, ''Too much of taxpayers' money has been squandered on this war already. It is time to hold George Bush accountable. By granting him this request, the American people, through Congress, are doing him a huge favor, and I might add, doing the American people something much less than a big favor.''

All of these letters say, we want to have questions answered. We want the safety of our troops assured. We want to make sure that our troops are supplied better than they have been as these private contractors have squandered billions of taxpayer dollars. We want accountability. We want a plan of reconstruction the American people and the Congress can understand. And we not only want that accountability, we want an exit strategy on how, in fact, when this is going to end, and how this is going to be done.

Madam Speaker, I will continue, as I have since July, to share letters from constituents on issues this Congress will not debate on answering these questions that the American people have of their elected officials.

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

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

FURTHER FUNDING THE WAR IN IRAQ

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

Mr. PALLONE. Madam Speaker, over the next couple of weeks, we will vote on a huge $87 billion supplemental appropriations bill to further fund the war in Iraq.

Madam Speaker, this is a very serious piece of legislation. It is the largest supplemental appropriations bill in our Nation's history.

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While it is critically important that we get our military troops all the resources they need, I do not support rubber-stamping this legislation so this administration gets a free ride from Congress and does not have to account for its strategy in Iraq. Tough questions need to be asked.

Madam Speaker, how could the Bush administration underestimate so badly

the cost of the war? Bush administration officials either dramatically underestimated the costs or were misrepresenting their estimates to Congress before the war. Before being forced out of the Bush administration, Secretary of Treasury Larry Lindsey estimated the cost of the war would be between 100 and $200 billion, but other officials in the administration scoffed at that estimate, saying it would be a lot less. In fact, OMB Director Mitch Daniels estimated the cost at as little as $50 billion.

If we combine the military costs in the first supplemental and the $65 billion included in this latest supplemental, we get $132 billion, $132 billion, much higher than the estimates, obviously, from the Bush administration.

Just one week after the war began, Deputy Secretary of Defense Paul Wolfowitz told the House Committee on Appropriations, Subcommittee on Defense, ''We're dealing with a country that can really finance its own reconstruction, and relatively soon.''

Yet the Bush administration comes to Congress requesting $20 billion for reconstruction costs in Iraq. Was the administration bending the truth 6 months ago?

Madam Speaker, the American people are skeptical about these reconstruction funds. We really cannot blame them. In five of the largest areas of reconstruction, we will be spending considerably more money per capita in Iraq than we spend on our own people here at home.

The Bush administration proposal calls for $3.7 billion to fund repairs and improvements to water and sewage services in Iraq, a great funding proposal from an administration that is certainly no friend of environmental policies here at home. In fact, the administration called for a 25 percent cut in the number of EPA clean-water sewage treatment grants over the past year here in the United States.

Madam Speaker, the Iraq supplemental calls for $900 million to construct, repair, and equip hospitals in Iraq, 10 times as much per person as we are spending on repairing and constructing our own hospitals, clinics, veterans medical facilities, and U.S. military medical facilities.

Months after the largest power blackout in our Nation's history, the Iraq supplemental calls for $6 billion to rehabilitate the electric power infrastructure of Iraq at a per capita cost of $250.32. Here in the United States we do not even spend a single dollar to upgrade our electrical grid.

Madam Speaker, we all understand that Iraq must be rebuilt, but does this Nation have to bear the brunt of the costs? Tough questions must be answered by this administration over the next couple of weeks, and I only hope that they are more forthcoming than they have been in the past.

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

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

THE GOLD-PLATING AND WAR PROFITEERING CONTINUES

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

Mr. DEFAZIO. Madam Speaker, I brought something here tonight to show to the American people. This document, which has become publicly available, is the coalition provisional authority request to rehabilitate and reconstruct Baghdad, Iraq. Published accordingly, Baghdad, Iraq, is a gold-plated guide to war profiteering. I urge each and every tax-paying American citizen to get a copy to see where the $20.3 billion that President Bush wants to borrow in their name to send to Iraq will be spent.

We have already had some examples of just incredible waste. There was a cement plant in northern Iraq needed repair. Mr. Bremer sent in his experts. They said it would cost $15 million. The Iraqis could not wait, and they went ahead and repaired it for $80,000.

There was the $25 million spent to rebuild police stations in Basra. The Iraqis estimate they could have done it for $5 million or less.

Then there was the $5,000-per-day contract Mr. Bremer signed to feed the Iraqi governing council, all 25 of them. I guess we were going to fly over catered meals from the United States of America. The governing council was so appalled at that waste of money, even though it was being spent by the United States of America, borrowed by the President on behalf of the American people, they cancelled the contract, got some local food for a fraction of the cost.

Then, of course, on the governing council, we have Mr. Ahmad Al-Barak, and he estimates that in cases the savings could be a factor of 10. Where they spend $1 billion, we would spend $100 billion. If we carry that formula through, instead of borrowing $20.3 billion on behalf of the American people and spending it to rebuild Iraq, as the President wants to do, we could do it for $2.3 billion or less.

There are other things in this new proposal that are a bit strange. There is the proposal of $33,000 per pickup truck delivered in Iraq. I went online just to kind of check out a pretty nice 2003 new Ford F–150, two door regular cab, XL, two-wheel drive, style side, with the AC and the automatic transmission and of course destination charge, $17,817. Does not have armor plating, but then again neither do the Humvees that this administration gave to our troops who are being killed on a daily basis.

There are other things that I would question here, $20 million to develop and train a cadre of business people in Iraq. That is a 4-week course, $10,000 each. By equivalent it would cost $4,000 to send them to Harvard, or if we send them to a continuing-education course at a community college in my district, we could put them through a good course, one term, with credits, for $400. But the Bush administration wants to spend $10,000 per Iraqi, $20 million borrowed from the American people, spent to give these $10,000 4-week courses to Iraqis.

Then, of course, there is a lot of, like, well, we have an obligation to all the damage we did to the country. I guess we blew up their wireless Internet network. Whoops, wait a minute. They did not have wireless Internet network, did they? No, they did not, but an essential part of this reconstruction effort is that we provide a wireless Internet network for all the Iraqis and their laptop computers. I do not know how many Iraqis have laptop computers, but I think that is somewhere else in the request perhaps. Although we cannot equip our kids, our schools with laptop computers, we are going to give them to Iraqis.

There are other things that have more merit arguably, $5.8 billion to rebuild their power grid and electrical system. I thought, well, maybe we did that. I found out it was not necessarily for damage we caused. In fact, Mr. Bremer was quoted saying, well, I have been into the plants, they have got these boilers from the 1950s and 1960s; they are holding them together with duct tape. What does that have to do with the war? What obligation does that put on the American people? Why should we borrow money on behalf of the American people, though it will be repaid and there is a lot of talk about children and grandchildren, by tax paying Americans today, children and grandchildren of tax paying Americans, to give the Iraqis state-of-the-art cycled turbines to generate electricity in Iraq? They cannot use the old system; we cannot just put that back together for a fraction of cost. No, they have got to have a brand new system. Of course, here in the United States of America where lights blinked out in the West a few years ago, blinked out in the East this year, the President cannot find any money to invest in our system and keep our lights on, but we can give them a state-of-the-art system there in Iraq.

If we spent this $20.3 billion on infrastructure and critical needs in the United States of America. Even if we borrowed it on behalf of the American people and spent it on behalf of the American people, we could provide 1 million jobs in this country. This provides for nothing but war profiteering to generous contributors to the Bush administration.

HONORING SHERYTHIA SCAIFE, RALPH DUKE, AND JOHNSON'S CHAPEL UNITED METHODIST CHURCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Madam Speaker, in every one of our lives there are people and places that are really unique, and they are so special that they become an essential part of who we are and who our communities are and what they become over time.

Today, I want to recognize two people and one place that have not only helped shape who I am, but they have touched the lives of our entire community and thousands of people. Quite simply, they represent what is the very best about Tennessee.

This month Sherythia Scaife, a member of the board of directors for historic Belmont Mansion in Nashville, will receive the Helen Kennedy Award for volunteer service. The Belmont Mansion is truly one of those historical treasures in Tennessee; and Sherythia, the best way to sum it up is she is simply one of our treasures, such a wonderful woman.

As everyone involved in charity work can tell us, fund-raising is a tough job; but Sherythia committed her energies to preserving the Belmont Mansion, and she has helped lead the effort to raise funds for the Belmont Mansion. We are lucky to have this wonderful part of the past with us still, and we are even luckier to have someone like Sherythia Scaife here to help protect Belmont Mansion for the future.

In the city of Franklin, Tennessee, where I have one of my district offices, there was a man whom everyone knew. He was our friend, a leader, a small business owner. He was truly a pillar of the community. Ralph Duke started out as a grocery bag boy, and he ended up as our town's main street pharmacist and civic leader.

We lost Ralph just a few days ago; and in thinking about what he meant to all of us, I was amazed at just how much he had accomplished in his lifetime. He filled close to 1 million prescriptions over the years to keep us healthy. He served us as an alderman and worked to improve police and fire service to help keep us all safe; and Ralph, above all else, took the time to say hello and to care about people, making us all feel that part of the community was important.

Ralph will be missed, but he is with us in our memories, and his family is with us in our thoughts and prayers.

A church is not just a building. It is also a source of strength and solace for a community of people. It is a place to offer our thanks to the Lord and Johnson's Chapel United Methodist Church in Brentwood, Tennessee, will be celebrating its 200th birthday on October 4, 2003. While the church structure has been destroyed by fire and renovated by man over those 200 years, the place has been one of God for all this time. It is a wonderful thing to think of the comfort and love that is so strong and true in this single location, a place that brings people together to worship our Lord, to honor our families, to celebrate some of life's most special occasions, like my niece's wedding, and sends them out into the world renewed, energized and excited about the word of God.

Madam Speaker, I imagine that all of my colleagues have stories like these of the wonderful places that exist in each of our districts, the things that make America and our communities so unique, a Nation where people like Sherythia Scaife and Ralph Duke can give of their time to others and a place where we can freely assemble in places of worship, such as Johnson's Chapel United Methodist Church.

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

IN MEMORY OF DR. MILTON WILSON

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

Mr. HINOJOSA. Madam Speaker, I rise to honor and pay tribute to a great American, my good friend, the late Dr. Milton Wilson from Houston, Texas. Dr. Wilson passed away on September 2, 2003. I hope my colleagues will join me in extending deepest sympathies to his family as they mourn this great loss. Although Dr. Wilson will be sorely missed, his family can take comfort in remembering his numerous accomplishments and the incredible legacy he left behind.

Dr. Milton Wilson was born July 20, 1915, in Paducah, Kentucky. His father was a Pullman car porter, and both his mother and grandmother were public school teachers. His parents instilled in him a strong work ethic and a love for education that stayed with him throughout his life.

After graduating from Lincoln High School in Paducah, Kentucky, Milton Wilson went on to earn a bachelor's degree from West Virginia State College and later earned a master's degree, as well as a doctorate degree in business administration from Indiana University at Bloomington. In later years, he returned to teach at Indiana University as a professor of accounting. His commitment to his students and his dedication to teaching earned him Indiana University's Distinguished Alumni Award.

Dr. Wilson continued his very distinguished career as head of the Department of Accounting at Hampton Institute in Hampton, Virginia, through 1944. At the request of President Dent of Dillard University, Dr. Wilson moved to New Orleans to head the university's business department until 1949.

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Shortly thereafter, Dr. Wilson moved to my home State of Texas, and in 1952 became the first African American Certified Public Accountant in Texas. The President of Texas Southern University invited him to establish a Department of Business Administration, which later became the School of Business Administration, with Dr. Wilson serving as its first dean. Under Dean Wilson's leadership, TSU became the first school of business in Houston to gain accreditation by the American Assembly of College Schools of Business.

Because of trailblazing work, Dr. Wilson became nationally known as the dean of predominantly black business schools in this country. It was while he headed the TSU School of Business Administration that I first came to know Dr. Milton Wilson, his first wife Zelda, and his family. Mrs. Wilson, who passed away in 2001, was a beautiful, gracious and hospitable lady who always made me feel welcome in her home. I will always remember listening to her own stories and experiences, both challenging and rewarding.

His son, Milton Wilson, Jr., followed in his father's footsteps and has been honored many times in the Federal Government's Senior Executive Service, serving for the Small Business Administration. I am proud to recognize him as one of my best friends during the last 25 years.

Not content to rest on his laurels at TSU, Dr. Wilson also served as a visiting professor at both Harvard and the University of Chicago. He shared his expertise as a valued consultant for a number of Federal agencies. As adviser to the Ford Foundation, in conjunction with Indiana University, he led a project that resulted in the successful establishment of the Institute of Business Administration in Dacca, Pakistan.

Dr. Wilson remained at TSU until 1970, when President Cheek of Howard University called him and offered him a new opportunity. President Cheek requested that he establish the Howard University School of Business and Public Administration. Dr. Wilson accepted this challenge. Through his efforts, Howard University became the first school in the Washington area to gain AACSB accreditation, first for its bachelor degree program and, ultimately for its accounting program.

Madam Speaker, Dr. Wilson believed anything was possible. He never gave up and fought to make every institution of higher learning at which he served the best it could be. His students received the educational tools they needed to become prominent and successful business people, professionals and elected officials.

Throughout his life, Dr. Wilson received countless honors, awards and recognitions, including the Henry B. Gonzalez Latino Leadership Award, named in honor of our colleague, the late Congressman Henry B. Gonzalez. This citation for meritorious service is presented to those who have worked selflessly, often without recognition, and made contributions both in the Hispanic community and the broader society as well.

Dr. Wilson was chosen to receive this award because he embodied a giving, sharing spirit and made a lasting contribution to our nation through education. Upon retiring from TSU in 1990, Dr. Wilson was honored by the Texas House of Representatives for his distinguished serviced in his community, business, government and academia.

Dr. Wilson is survived by his second wife, Imelda Pradia Wilson and three children: Rhea Ann Fairley, Zelda Jefferson Young, and Milton Wilson, Jr.; his sister, Jessie W. Wilson; and five grand-children: Gladys Zelda Fairley, Paul Milton Fairley, Milton Wilson III, Marcus James Wilson, and Wendell Mosley.

Dr. Milton Wilson was a true American pioneer. His efforts and his accomplishments will long be remembered.

I ask all Members of Congress to join me in commending the late Dr. Milton Wilson for his exceptional career and contributions to our Nation and in extending our sincere condolences to his family and friends.

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

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

IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Madam Speaker, tonight I wish to spend a few minutes talking about a couple of issues; number one, the progress and the commitment and the hope that I have observed in Iraq in two different trips, two different opportunities I have had to travel to Iraq, once in August and going back in September; and then I want to talk a little bit about the statement today by Dr. David Kay on the interim progress of the Iraqi Survey Group. The Iraqi Survey Group is the group that is working in Iraq and doing the search and the delineation of exactly what the WMD, the weapons of mass destruction, program consisted of in Iraq before and during the Operation Iraqi Freedom.

First, let me talk about my trip to Iraq in August and in September. You fly into a city of 5.7 million people and then you fly over Baghdad for half an hour or 40 minutes to get kind of an observation as to exactly what is going on in Baghdad. Remember, I did this in the middle of August. The first observation was that this was not a country and that this was not a city that was destroyed by war and mired in turmoil. Sometimes that is the impression that we get from watching the nightly news.

Aside from a few small pockets of destruction in Baghdad, the city appeared to be functioning close to a normal city in the Middle East. There were cars, buses and trucks on the streets. There were people on the streets. The stores were open. Commerce was going on in Baghdad. There had been a lot of progress and a lot of activity going on in Baghdad.

We had the opportunity to talk with our troops and to hear about the rebuilding and the reconstruction that they had been involved with in Iraq over the last number of months. They talked about having what I call walking-around money, but it is very closely tracked by the military. The military, at any given time, can print out a list of all the projects that they have been working on.

The 101st Division, up in northern Iraq, gave us a list of roughly 1,800 projects that they had been involved with, that they had completed or were still working on in the middle of August. They had 1,800 projects, from repairing clinics, drilling wells, repairing schools, working in hospitals, agricultural projects, and a whole number of different kinds of things that clearly empowered them to go into the communities where they were stationed and where they were trying to provide security and to assist the Iraqis in rebuilding their community, not tomorrow but at that moment and on that day. As these funds were depleted, the troops would get more funds. These funds came from the dollars that were left over in the Iraqi treasury after Saddam Hussein was overthrown.

A second thing that kind of struck me. I was impressed by the troops. They are doing an absolutely awesome job there. The other thing that people have asked me, what were you surprised about when you went to Iraq? I was not surprised about the work of our troops in Iraq. I have seen our troops in action in Afghanistan. I have been on aircraft carriers. I have been in Bosnia and Kosovo and had the opportunity to interact. I am not surprised by the work of our troops. I am impressed but not surprised. I have come to expect that because they have demonstrated it over and over.

But one of the things that did surprise me is I had heard of the palaces of Saddam in Iraq. I have been to Versailles, I have been to Buckingham Palace, but nothing prepares you for Saddam's lavish spending on himself once you take a look at his palaces in Iraq.

The palace in Tikrit has over 100 buildings in it. It probably stretches an area from the Capitol here in Washington down to the White House, if not a larger area. It has a perimeter security system with walls and watchtowers and those types of things; three to four story high buildings, which in terms of their scale are closer in scale to the size of this building, the Capitol of the United States, than what they are of our White House. And again he has these all over the country.

We also had the opportunity to meet with Peter McPherson, who is the President of Michigan State University, who for a number of months served in Iraq. He is now back at Michigan State but served as their finance minister.

I asked him about one of the allegations that was made about the post-war planning. I said, Peter, there are folks that are saying there is very little planning that went on as to what we were going to do after the war. He kind of laughed and said, you know, a number of the things that typically happen after a war in a country did not happen here in Iraq.

Many times the currency will collapse. As a matter of fact, here in Iraq, we had a debate about whether we should keep the Iraqi dinar. Why the debate? Well, the debate was the Iraqi dinar has a picture of Saddam Hussein on it, and the last thing we really wanted to do was to provide to the people of Iraq a constant reminder of the Saddam regime and that Saddam was still out there. But he said, Pete, we went through this conscious decision to keep the Iraqi dinar in circulation so that commerce could continue and so that the economy would not collapse.

He also said that by keeping the dinar in circulation and by providing the security into the system, the banks did not collapse, that there was not a run on the banks right after the banks reopened. The banking and the financial institutions stayed in business. As a matter of fact, with the stability that we have there, there are now a number of international banks that are clamoring to get into Iraq. And in a couple of weeks we will be introducing a new currency into Iraq, one that gets rid of the picture of Saddam Hussein on the money.

Peter McPherson worked with the Iraqi Governing Council to put in place a tax structure, highest tax rate of 15 percent, to put in a tariff structure and also to come up with rules for international investment. Every industry will now be open for foreign investment, except the energy sector.

I also had the opportunity to meet with another individual from Michigan, Jim Haverman, who is serving as kind of the shadow finance minister, or health care minister in Iraq. What he is doing is rebuilding the structure. I asked him the same question. Jim, what about the plan or the lack of planning in the post-war period?

He came back and said, we do not get a lot of credit or we get no credit for the things that did not happen here. A lot of times after there has been a war, there will be an outbreak of epidemic diseases, things like cholera, malaria, and other diarrheal diseases. So you notice none of those things happened here in Iraq. We were able to keep the hospitals open, we were able to keep the clinics open, we were able to provide the basic health care necessary to prevent the outbreak of epidemic diseases, and now we have moved forward, that we have distributed 10,000 tons of pharmaceuticals.

It is not that many of those pharmaceuticals were not present prior to the war in Iraq. They were present in Iraq, but they were stored in warehouses, and they were there for the elite and not for the masses. But what Jim and the Iraqi health care service have done is they have been focusing on getting quality health care or improved health care out to much of the rest of the country. They have been successful in doing that, and they are now working at upgrading the health care system.

Remember, somebody like Saddam Hussein spent about 60 to 70 cents on health care for each and every Iraqi last year, in contrast to what he spent on his palaces. And the joke, though it is not very funny in Iraq, is what Saddam spent his money on. He spent his money on his palaces. He spent it on runways. You will fly over Iraq and you will see military runways all over Iraq, so he was building the military infrastructure. And then he also spent a significant amount of money on munitions. Later on, as I talk about Dr. Kay's report, Dr. Kay outlines that they estimate that they have munitions dumps that will hold over 600,000 tons of munitions.

The bottom line, from my perspective and those of the people who I traveled to Iraq with, is that we are making progress in Iraq. We are bringing stability and hope to the Iraqi people. It does not mean that on occasion, and maybe too frequently, we do not have spectacular setbacks, the death of American soldiers or a bombing where the folks that are opposed to us are going after American troops, coalition troops, Iraqis that are helping us, Iraqis that are stepping up and taking leading roles in their government, but we are making progress.

□ 1745

It is our hope that once the people of Iraq experience freedom, economic opportunity and a representative democratic government, the hope and expectation is that they will embrace this new way of life and will not foresee ever returning to tyrannical rule by a despotic government that exerts control through fear and oppression.

Today in the Permanent Select Committee on Intelligence we had an opportunity to listen to testimony from Dr. David Kay talking about the progress, the 3-month progress report from the Iraqi survey group. This statement was released by Dr. Kay to the public at 5 p.m. This is a nonsecret version of the testimony that he provided to both the House and the Senate intelligence committees today. It contains a portion of what we heard today, but not everything. Let me just go through some of the materials that Dr. Kay wanted us to fully understand. This was my fourth opportunity to meet with Dr. Kay. I met with him on three different occasions in Iraq and then in front of the committee today.

He begins by saying that he cannot strongly enough emphasize that the interim progress report is a snapshot in the context of an ongoing investigation of where we are after our first 3 months of work. It is not a completed report. It only covers the first 3 months. He says that they are still very much in the collection analysis mode, seeking the information and evidence that will allow us to confidently draw comprehensive conclusions to the actual objectives, scope, and dimensions of Iraq's weapons of mass destruction activities at the time of Operation Iraqi Freedom. Iraq's WMD program spanned more than 2 decades, involved thousands of people, billions of dollars, and was elaborately shielded by security and deception operations that continued even beyond the end of Operation Iraqi Freedom.

He goes to say that the result talks about the period from 1991 to 2003 where much of what we expected to find in Iraq was based on very, very limited information. He talked extensively about what they have found and what we have not found. He said, ''What we have not found are stocks of weapons, but we are not yet at the point where we can say definitively that such weapon stocks do not exist or that they existed before the war and our only task is to find where they have gone.''

Mr. Speaker, why are they having such difficulty? Here are some reasons. All of Iraq's WMD activities were highly compartmentalized within a regime that ruled and kept its secrets through fear and terror. It is hard to find out what was going on in Iraq. Deliberate dispersal and destruction of material and documentation relating to weapons programs began pre-conflict and ran trans- to post-conflict. They destroyed the evidence and the information that would have clearly and quickly outlined for us exactly the programs they had in place. ''Post-Operation Iraqi Freedom looting destroyed or dispersed important and easily collectable materials and forensic evidence concerning Iraq's weapons of mass destruction program.''

The report covers in detail the significant elements of this looting that were carried out with a clear aim of concealing pre-Operation Iraqi Freedom activities of Saddam Hussein's regime. Some WMD personnel crossed borders in the pretrans-conflict period, and may have taken evidence and even weapons-related materials with them.

Another reason we are having some difficulties, any actual WMD weapons or materials are likely to be small in relationship to the total conventional armaments footprints and difficult-to-near impossible to identify with normal search procedures. It is important to keep in mind that even the bulkiest materials we are searching for and the quantities we would expect to find can be concealed in spaces not much larger than a two-car garage.

But what have they found? This is not only about why it is difficult. What he is telling us is why we maybe did not just walk into Baghdad or Iraq and say here is the warehouse, and here is all of the information. He is telling us why it is difficult, and he says they have found dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspections that began in late 2002.

Continuing on, he gives a few examples of these concealment efforts, some of which I will elaborate on later. They include a clandestine network of laboratories and safehouses that contained equipment subject to U.N. monitoring and suitable for continuing CBW research; a prison laboratory complex, possibly used in human testing of biological agents; referenced strains of biological organisms concealed in scientists' homes, one of which can be used to produce biological weapons; new research on biological weapons applicable agents, documents and equipment hidden in scientists' homes that would have been useful in resuming uranium enrichment by centrifuge and electromagnetic isotope separation; a line of UAVs not fully declared at an undeclared production facility and an admission that they had tested one of their declared UAVs out to a range of 500 kilometers, 350 kilometers beyond the permissible limit; continued covert capability to manufacture fuel propellant useful only for prohibited SCUD variant missiles; plans and advanced design work for new long-range missiles with ranges of up to 1,000 kilometers, well beyond the 150-kilometer range limit imposed by the U.N.; clandestine attempts between 1999 and 2002 to obtain from North Korea technology related to 1,300 kilometer-range ballistic missiles.

They faced systematic destruction of documents. With regard to biological warfare activities, he stated that Iraqi survey group teams are uncovering significant information, including research and development of BW-applicable organisms, the involvement of Iraqi intelligence service, and possible biological weapon activities and deliberate concealment activities.

All of this suggests Iraq after 1996 further compartmentalized its program and focused on maintaining smaller, covert capabilities that could be activated quickly to surge the production of biological weapons agents. Debriefings of IIS, Iraqi Intelligence Service, officials and site visits have

begun to unravel a clandestine network of laboratories and facilities within the security service apparatus. This network was never declared to the U.N. and was previously unknown. They are still working on determining the extent to which this network was tied to large-scale military efforts or BW terror agents; but this clandestine capability was suitable for preserving BW expertise, BW facilities, and continuing R&D, all key elements for maintaining a capability for resuming BW production.

The Iraqi intelligence service also played a prominent role in sponsoring students for overseas graduate studies in the biological sciences. No big deal, except, the quote continues, according to Iraqi scientists and Iraqi intelligence service sources providing an important avenue for furthering BW applicable research. Interestingly enough, this was the only area of graduate work where the Iraqi intelligence service appeared to sponsor students.

Another quote, in a similar vein, two key former BW scientists confirmed that Iraq, under the guise of legitimate activity, developed refinements of processes and products relevant to BW agents. The scientists discussed the development of improved simplified fermentation and spray-drying capabilities for the simulant BT that would have been directly applicable to anthrax. One scientist confirmed that the production line for BT could be switched to produce anthrax in one week if the seed stock were available.

Another area that needs investigation, another quote out of the report, additional information is beginning to corroborate reporting since 1996 about human testing activities. Let me repeat that: reporting since 1996 about human testing activities using chemical and biological substance, progress in this area is slow given the concern of knowledgeable Iraqi personnel about their being prosecuted for crimes against humanity.

I have only got a couple of minutes left; and the report that Dr. Kay has issued is an interim report, and I think that this report is now going to be available, or this portion, the declassified portion is going to be available to the American people.

When you read through here and you take a look at the concealment of these different programs from the U.N., the systematic effort to hide and destroy relevant information, and then the things that we have found already, the different labs, the discussion about human testing, the different efforts that they had that were under way, the work that they had going on in a number of different areas, it becomes clear quickly that we need to do two or three things, the first of which is we need to let Dr. Kay finish his report and to finish his work. As he states at the front end, it is too early to draw any conclusions as to exactly what was going on, what was available, and where Saddam Hussein was going. We need to let Dr. Kay finish his work so that we will have a clear understanding of what was and what was not available in Iraq, and that is going to be a very difficult task given the destruction of materials and the environment that we have in Iraq today.

The second thing that we need to do is we need to make sure that we give Dr. Kay the resources to get the job done.

The third thing we know is there was a lot of stuff going on in Iraq, and the approach that Dr. Kay is taking is exactly the kind of approach that we need to take. Dr. Kay really has three criteria that he talks about before he will reach conclusions on exactly what Iraq has. He wants to find physical evidence, the materials or the equipment that demonstrate that certain programs or activities were under way. He wants to find the documentation that says here is the equipment, here is the documentation that outlines what this equipment was intended to do, and then the third piece that he wants to put with this is these are the Iraqis that were working the plan and working the equipment so that he has put all of the pieces together. That is exactly the kind of approach that we need to take, rather than asking Dr. Kay or others to jump to conclusions based on the piecemeal information that we have today.

In this report, Dr. Kay talks about the mobile labs. They have found mobile labs. So they have a piece of the puzzle. They have found mobile labs, but rather than reaching a conclusion and saying what they were or were not used for, since they only found the mobile labs and they have not found the documentation and they have not found the Iraqi personnel that might have been operating these labs, we are at this point in time speculating what they may have been used for and capable of; and Dr. Kay has simply in this report said we are not reaching a conclusion or making a decision as to what we believe that equipment was being used for. We are going to wait until we find the Iraqis; we are going to wait until we have an opportunity to uncover the documents that will outline exactly what these bio labs or what these laboratories, mobile labs, were going to be used for.

The professionalism of Dr. Kay and the process that he is going through are exactly what we need to have in place at this point.

□ 1800

I think that the report today that was issued, the portions of the report that were made public, the portions of the report that are still classified, should give us the highest degree of confidence that Dr. Kay is going through this in exactly the right way that it needs to be done and that there are a number of very, very serious issues that need to be pursued and that we need to get to the bottom of. It will help us to better determine the accuracy and the effectiveness of our intel before the war, but also it will give us a better understanding as to how far chemical and biological weapons had progressed in Iraq, and we need to know that so that we will also have an idea as to what at some point in time may have been transferred to others who may want to do us harm.

THE SITUATION IN IRAQ

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The balance of the majority leader's hour is reallocated to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Madam Speaker, I rise today to discuss the troubling situation in Iraq and the difficult legitimacy challenges posed by the U.S.-led coalition victory. In particular, I am convinced that the best way to develop international support for reconstruction efforts and reduce violence in the country is for the U.S. to maintain preeminent military leadership but grant the United Nations explicit authority for managing Iraq's political transition.

As my colleagues are aware, Ambassador L. Paul Bremer, III, head of the Coalition Provisional Authority in Iraq, testified before several House committees last week regarding the administration's supplemental appropriations request for Iraq. In explaining administration policy, he outlined a number of constructive measures aimed at creating a sovereign, democratic, constitutional and prosperous Iraq. These included bolstering the security situation in the country and advancing bold economic reforms designed to refashion the Soviet-style command economy bequeathed by Saddam into a vibrant free enterprise model for the region.

Ambassador Bremer also laid out a seven-step political transformation process. According to the Ambassador, three of the steps leading to sovereignty have been completed: In July, an Iraqi Governing Council was appointed; in August, the Governing Council named a Preparatory Committee to recommend a mechanism for writing Iraq's new, permanent constitution; and in September, the Governing Council appointed ministers to run the day-to-day affairs of state.

Additional steps include developing a process by which the Iraqis write their own constitution, and here Secretary Powell has expressed the hope that this could be completed in the next 6 months, although others have expressed doubts about the time frame; ratifying the constitution by popular vote of the entire adult population; holding elections for a new Iraqi government; and, finally, following elections, formally transferring sovereignty from the Coalition Provisional Authority to the new government in Baghdad.

These are reasonable and responsible steps, but to address unresolved questions about the legitimacy of America's role in Iraq, I believe that there should be a further interim step, call it step 3(a), added to Ambassador Bremer's list: a reduction of Washington's virtually exclusive political authority, as exercised through the CPA, and an enhancement of the role of the United Nations in the governance process.

In an American historical and philosophical context, legitimacy is derived from the consent of the governed through democratic elections. In many societies, governments attempt to derive legitimacy by other means, through history and tradition, through precepts like the divine right of kings, through theocratic assertions as well as, to paraphrase Mao, the barrel of a gun.

In Iraq, the problem is both obvious and profound. The removal of Saddam Hussein and the process of de-Baathification have left a vacuum of power. This vacuum has been filled, in part, by U.S. and other coalition authorities, civil and military, and in part through a de facto devolution of power to informal groupings based on local ethnicities, tribes, religion, and even organized crime. As we all understand, supporters of the old regime within Iraq, aided by jihadists from abroad, remain engaged in acts of violence and sabotage aimed at destabilizing the new order. In addition, the occupation's U.S. face has heightened suspicion and anger in Iraq and much of the Muslim world where many people view intervention as part of a Washington agenda to control the region and its principal resource, oil.

The U.S.-led military authority, following extensive consultation with the country's major political factions, appointed an Iraqi Governing Council. The U.N. Secretary General and the late Sergio de Mello, the former U.N. special envoy to Iraq, supported the representative nature of the Council. But for Iraqis the Council still lacks legitimacy because it was selected by an outside power which maintains a veto over decisions.

In this context, it is impressive to reflect upon the fact that at every turn in the last century the world has underestimated the power of nationalism. In Iraq, all of us are learning anew how close we are to the Hobbesian jungle where life is nasty, brutish and short and how impressive, for good or ill, is the power of nationalism, the desire of people to carve their own destiny, to make their own mistakes.

What appears clear at this juncture is that the return of Saddam Hussein will not be countenanced either in Iraq or in the region; what is unclear is whether the current nation-state boundaries will hold, whether chaos will be unleashed, whether democratic aspirations will produce lasting democratic institutions, whether economic and social change will be fast or fair enough to satisfy the enormous expectations of the Iraqi people.

At the end of the Second World War, the U.S. was part of a coalition of victors in the greatest struggle of the 20th century. Postwar circumstances afforded the U.S., as the preeminent global superpower, the luxury of being able to control sovereignty in Japan until 1952 and, to a lesser degree, in West Germany until 1959. Today, by contrast, the world is more impatient. The nature of the Middle East, the Muslim world and modern communications is such that the circumstances that prevailed in the late 1940s allowing for an extended, uncontested American occupation no longer exists.

The most propitious position for the U.S. today is not to rule Iraq as a victorious occupying military force but instead to share accountability with the international community in such a way that it becomes clear that Saddam Hussein was not principally a threat to America but to his own people and civilized values in general. The war should be considered won on behalf of, not against, the Iraqi people.

American civilians who have been asked to serve in Iraq are some of the finest civil servants in the world. I have the highest respect for Ambassador Bremer and his principal deputy, Walter Slocum, as well as people like Peter McPherson, the president of Michigan State University, and Charles Greenleaf, also of Michigan State, who have come in to help lead reconstruction efforts and civil affairs.

But in order to establish consensus and legitimacy from parties outside as well as inside Iraq for efforts to rebuild the country, the U.S. would be wise to accept an international civil authority as a prelude to transferring power to the Iraqi people through a constitutional process.

We also might consider lending more legitimacy to the Governing Council by a symbolic transfer of sovereignty and the seeking of support for it to occupy Iraq's U.N. seat during the transitional period.

From a military perspective, the United States Armed Forces could not have performed more professionally and valiantly than in the initial engagement. But in no small measure because the civilian governance is considered illegitimately Americanized by much of the Muslim world, U.S. subjects have become targets for anarchistic attacks by groups and individuals who claim the mantle of nationalism and religious authority. Baathists from within and anti-American cohorts from without need to understand that Saddam Hussein's kind of rule is anathema to all civilized values.

The issue of relegitimizing the Iraqi government is one of timing as well as intent. Timing that is tardy can jeopardize the safety of American soldiers in Iraq and also serve as a spark for a potential surge of terrorism around the world. What is new in international relations is that the religious and national instincts of an embarrassed people can become a rallying cry for sympathizers to lash out in other societies. And what is different from the U.S. experience as an occupying power after World War II is that Iraq, like the Balkans and Afghanistan, has significant religious and ethnic subgroups at odds with one another. Iraqi society is neither homogenous as Germany and Japan were, nor a social melting pot like America is. Iraqi nationalism is thus complicated by sub-national identifications and supra-national religious and regional communities of value.

As a military challenge, Iraq is not like Vietnam. It is much more containable. But as a challenge to the international social order, it is far more difficult than Vietnam. After all, weapons of mass destruction were not at issue in Vietnam. Nor was a clash of civilizations in play except in the sense of the contrast of democratic forces lined up against the secular ideology, communism.

Unless we recognize that while there is certain Iraqi appreciation for the coalition's overthrow of Saddam, any support for our post-war leadership is tenuous and respect for our intervention is virtually nonexistent in the rest of the Muslim world. Cultural differences, particularly religious, coupled with the aftershock of military defeat, the continuance of terrorist attacks and the lack of immediate prospect for self-determination form a political stew that easily boils over.

Our traditional European allies have by intent or happenstance triangulated the U.S. and, to a lesser extent, Britain into a singular standoff with the Muslim world. Osama bin Laden began his terrorist initiatives speaking of a Muslim clash with the West. Now radical Muslim rhetoric is aimed almost exclusively against America. Our goal should be to make clear, in voice and policy, that we do not stand alone. Because of dissent between Europe and America, it might be wise to look to new leadership for the Iraqi transition in other parts of the world. An individual from a noncoalition country may or may not be as competent as Ambassador Bremer and his staff, but a change of faces has the potential of changing the face of the circumstance Iraqi people and the Muslim world see every day.

As one who dissented from the decision to go to war but respects the integrity of the individuals who made the decision, I am convinced that we must all now work together to get out of the predicament we are in. Nothing could be worse for world order than long-term American entanglement in Iraq. Respect for American leadership and American values has seldom been more on the line. We have to come together with the rest of the international community in a collective effort to make Iraq a better country than the society we attacked. The consequences of failure would be catastrophic.

I recently returned from a trip to the Far East where I urged our friends in the region to help. An isolated America, I warned, is likely to become an isolationist America. The ramifications for international trade as well as politics are potentially explosive.

At the height of the Vietnam War, Senator George D. Aiken of Vermont became famous for a policy suggestion in the form of a quip. He argued that the U.S. should simply declare victory and get out.

Iraq is not a circumstance in which the U.S. should be trumpeting military victory despite its decisiveness. But little could be more appropriate than to announce a change in policy based on the fact that our principal mission has been accomplished, ridding Iraq of a despotic dictator and eliminating the near-term prospect that Iraq could become a center for the development and distribution of weapons of mass destruction, whether or not Saddam had a significant WMD capability prior to U.S. intervention.

Having intervened, the U.S. cannot end its responsibility until Iraqi society is back on its feet in a credible, progressive and legitimized governance basis. The question is whether that basis is more likely to be achieved with Americanization or internationalization of responsibility.

My sense is that the establishing of a more progressive government in Iraq will be achieved earlier and with substantially less bloodshed if it becomes clear that Iraq is being put back together under the mantle of an international mandate rather than by an intervening military power.

□ 1815

The goal should be to emphasize the idealism of the challenge before us rather than dwell on realpolitik posturing which can too easily trigger increased anarchy and even a clash of civilizations. Strength, to be sustainable, must come from a balance of judgment that brings respect rather than resentment from the rest of the world. Otherwise, an intervention designed exclusively to diminish terrorism could serve as a rationale to expand terrorism around the world, including on our own shores.

Four decades ago, the British author Lawrence Durrell wrote a series of novels called the ''Alexandria Quarter'' in which he describes a set of events in Alexandria, Egypt, before World War II. A seminal literary experiment in the relativity of human perception that was named one of the top 100 novels of the last century, each of the books viewed the same events through the eyes of four different participants. The full story cannot be comprehended without synthesizing how each of the protagonists viewed events from his or her own individual perspective.

Today, in Middle East, we have an analogous circumstance. For the full story of Iraq to be understood, we need to understand how events are perceived through very different sets of eyes and very different sets of reasoning. American policy makers, for instance, generally reason in a pragmatic, future-oriented manner. Much of the rest of the world, on the other hand, reasons more generally, by historical analogy. Events centuries back play a definitively greater role in judgments made about policies today.

Symbolically,the nature of the radically different way Americans and Middle Easterners look at the world is reflected in the startling statistic that four out of five Al Jazeera viewers believe a French author who claims that the plane which blasted into the Pentagon on 9/11 was actually a U.S. military aircraft ordered by the U.S. military to hit itself in an effort to justify the invasions of Afghanistan and Iraq. This kind of conspiracy theory is instantaneously understood as ludicrous in America, but not elsewhere. In fact, even in the heart of the democratic Europe, conspiracy theories about the events of 9/11 have topped best-seller lists. Intriguingly, from a Muslim perspective, the fact that nearly 70 percent of the American public believe that Saddam Hussein was personally involved in the attacks of September 11 appears equally uncompelling. Muslims note that no Iraqi citizen was involved in the attack and believe that alleged evidence of Iraqi complicity is peripheral and tangential at best.

On the other hand, virtually the entirety of the Muslim world recognizes Saddam to have been a sadistic dictator. There is no public support for him, but extraordinary consternation that a Western power would intervene in the Middle East in the way it did.

It is possible to suggest, from an American perspective, that since we received inadequate support for the UN, it makes little sense to cede authority to outsiders now. On the other hand, if one does not rebalance transitional governance in Iraq, it is hard for America to suggest to the international community that all countries have an obligation not only to support the governing authority but provide reconstruction assistance.

The question is whether America would be better off with a new Security Council mandate that gives responsibility for coordinating the political transition process to the UN, assisted by American experts already in the field, while maintaining the U.S. role in military and internal security concerns, or whether we want to continue to bear near exclusive responsibility for a country with a government lacking legitimacy.

I am convinced that the fact that the U.S. did not get solid support from the UN, prior to the invasion, underscores the importance of seeking greater international legitimacy in the transition to a democratic Iraqi Government.

Simply put, legitimacy delayed is security denied.

PRIVILEGED REPORT REQUESTING PRESIDENT TO TRANSMIT REPORT ENTITLED ''OPERATION IRAQI FREEDOM STRATEGIC LESSONS LEARNED'' AND DOCUMENTS IN HIS POSSESSION ON THE RECONSTRUCTION AND SECURITY OF POST-WAR IRAQ

Mrs. MILLER of Michigan (during special order of Mr. LEACH), from the Committee on Armed Services, submitted a privileged report (Rept. No. 108–289, Part 2) on the resolution (H. Res. 364) requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled ''Operation Iraqi Freedom Strategic Lessons Learned'' and documents in his possession on the reconstruction and security of post-war Iraq, which was referred to the House Calendar and ordered to be printed.

IMMIGRATION, OVERTIME, AND RUSH LIMBAUGH

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are several items that I would like to comment on and share with my colleagues.

We had a very powerful day today. Hundreds of immigrants and immigrant supporters, friends of this Nation, parents and sisters and brothers and neighbors of some of the young men and women that are now on the frontlines of Operation Iraqi Freedom came to the Nation's Capitol to speak to the issues of civil rights and human dignity. They came in what we call the Immigration Freedom Ride. They leave tomorrow morning on to New Jersey and then to go to the seat of Ellis Island in New York to be able to restate to all Americans that we all came from somewhere, and that this Nation is bountiful because each of us were able to contribute our own culture and the respect for human dignity. They ask simple things, Mr. Speaker, and that is access to legalization, the ability to reunite their families, and civil rights and civil justice. They came in the spirit of the Freedom Riders of the 1960's and the first ones in the 1940's. They came in a spirit of Martin Luther King and the gentleman from Georgia (Mr. LEWIS), our own colleague. They walked across the bridge in Selma, Alabama, the Edmond Pettus bridge. They realize that the two have now intertwined: their quest for civil justice and civil rights, as our quest, the Freedom Riders' in the 1960's quest for civil rights and civil justice. And they call upon America's goodness, just as we who are African Americans, maybe called colored, maybe called Negros in the early 1960's pressed the case that we too were Americans.

I believe it is time now for this Congress to put in place legislation that deals with earned access to legalization, to be able to say that if they have not committed a criminal act, that they are here working, they may be undocumented, they are paying their taxes, that they should have the access to being able to apply for citizenship. I believe we should pass 245(i) to reunite our families. And, yes, I believe that we should treat all people with human dignity.

And so, Mr. Speaker, I rise today to remind my colleagues that we are the people's House. We should open our doors to this voice and the voices that cannot be heard or the picture of the young lady that was shown to me who is suffering because she cannot access a kidney transplant, and she came here as a baby and is still here at 21 years old and dying with kidney failure. How unmerciful can we be? And I would ask that my colleagues consider a real immigration policy for this Nation that deals with the security of this Nation, the justice of this Nation.

And then might I say very briefly, Mr. Speaker, we spoke today on the floor of the House about an untoward legislative initiative that would force hardworking Americans to overcome or to be able to eliminate their overtime. I said overcome. I wish we could overcome it. We won the instruction to the Labor-HHS conference to say that we do not want to eliminate America's overtime. Hardworking Americans, our first responders, restaurant workers, white-collar workers, people who are putting their children through college, the only way they do it is through overtime. What an insane proposition that we would even believe that is the right thing to do with the economy stumbling as it is.

And then, Mr. Speaker, I come to say something that I wish I did not have to do. That is to bring to task Rush Limbaugh, who has been blessed by being in this country, having the freedom to say anything he desires to say. The first amendment gives anyone the right. It protects free speech. It respects sometimes hostile speech. Rush Limbaugh decided that he had the latitude to be on ESPN and to castigate an African-American quarterback. And as I stand here today, I insist that he has the right to free speech. He has castigated those of us in public life every day of the week. He spoke with great insult of President William Jefferson Clinton. Not that he has no right to say that, but he disrespected, from my position, the position of the Presidency. But what Rush Limbaugh does, and what is an insult, is that he continues the stereotypes and stigma and does not respect the human dignity of all people.

Rush Limbaugh, I say to you, you have a first amendment right, but you have no values. You have no ethnic respect. You have no dignity and no integrity, and you do not know what it is to hurt people.

All I can say is that it is time now that we stand up against this kind of bigotry and hateful speech, and I stand, today, against it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

QUESTIONS CONCERNING MONEY FOR IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CUMMINGS. Mr. Speaker, this evening the Congressional Black Caucus is coming before this Congress to address the issue of the $87 billion that the President just recently requested of this Nation to continue our efforts in Iraq and in Afghanistan. We certainly are a group of 39 people, and I often say 39 very gifted legislators, who are simply ordinary people called to an extraordinary mission, and in the process of doing the extraordinary, I do believe that we have become extraordinary. And we have been consistently standing up for our troops over and over and over again because they are our children, they are our brothers and sisters, they are fathers, they are mothers.

And just the other night, Mr. Speaker, at the Congressional Black Caucus annual banquet, we were very pleased to honor Sergeant Shoshanna Johnson, who of course we know was shot in both feet and taken captive in Baghdad. So tonight we come to address this $87 billion because it is our belief that our troops must be supported, but at the same time we are very clear that we need to look at the moneys that are being spent on what I would title the resurrection of Iraq after we tore it down, and we want to look at both sides of it.

In other words, we want to look at the money that it is going to take to support our troops, but at the same time we want to look at the money that will be spent, and is being spent, for these no-bid contracts and for repairing the infrastructure of Iraq while the infrastructure of so many of our cities and our rural areas are falling apart. We want to certainly look at the issue of schools, building a new school system. And it has all been on the news here recently, particularly today and yesterday, about how the Iraqi children are now beginning their school year, and certainly we are a very compassionate group of legislators, but at the same time when we go back to our districts, we fail to understand why it is that so many of our children in our districts are sitting in classrooms with rain falling on their heads and trudging through mud because they are in portables or they have situations where they are in overcrowded schools. So we question that.

We also come questioning the whole question of elections. It is our understanding that a substantial amount of money is going to be spent on making sure that Iraq has a wonderful election system. And then we look at what we just saw here in the United States, the fiasco down in Florida and throughout the United States with our election process in the year 2000. And we believe, as the Congressional Black Caucus, that we are asking the basic questions, the questions that anybody would ask in any very serious family matter. This is not rocket science stuff. Questions like, Mr. President, we just spent $80 billion. What did we do with that?

□ 1830

And can you account for that and tell us what that was spent for? Questions like, it is our understanding that there is quite a bit of oil over in Iraq, and we want to know simply what that money is being spent for, because we were promised a long time ago that that money from those oil reserves would be used to resurrect Iraq but, at the same time, you now come to the American people asking them to do it.

The other thing that we are certainly concerned about is that we hear over and over again that we are fighting terrorism for the world, and we do believe that. But at the same time, we ask the question, if we are fighting terrorism for the world, if there is going to be substantial benefit to the world, why is there not substantial giving or sacrifice on the part of other countries?

And certainly we want to know the exit strategy. One of the things that the President said when he was running for office, and we certainly hold him to it, as the American people do, is that he would never go into another country, let our Armed Forces go into another country without having an exit strategy. We want to know what the exit strategy is.

Then finally, and there are some other questions that will be raised by my colleagues, but certainly we are very interested in knowing, how do we measure success. The answer has to be very clear with regard to our schoolchildren, and he has made excellent arguments about how we need to measure how our children are doing. That is all well and good. So we come to the President asking him, exactly how do we measure our accomplishments in Iraq?

I am so glad that this evening I am joined by my colleague who sits on the Committee on Armed Services, the gentleman from Florida (Mr. MEEK), a freshman who is just doing a great job. But the gentleman has an opportunity to look at it from an armed services standpoint, and I would like to hear from the gentleman.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding. I am just so pleased how the gentleman from

Maryland (Mr. CUMMINGS), as chairman of the Black Caucus and also just as a Member of Congress, is asking the kitchen table questions. These are common questions that we took under assumption, we assumed, when the Commander in Chief, the President of the United States, and the Defense Secretary, Donald Rumsfeld, came to us and said, this is the situation, this is the case at hand, this is what we need to do. Some of us agreed, some of us did not agree, but genuinely as Americans, we said that we want to support our troops and their families; and we went right to work, thinking they were going to do the right thing.

We talk about the money. Mr. Speaker, $87 billion is an awful lot of money. That will buy quite a few new schools in our country. That will put forth quite a few opportunities as it relates to our youth in our communities. But as I look through this, finally, I just want to say to the gentleman that, finally, we got a plan, or what they call a plan, from the administration on Iraq and the reconstruction of Iraq; and that is supposed to explain the $87 billion.

I will tell my colleagues this, that what makes this plan flawed from the outset is the fact that this administration has said, the President, Donald Rumsfeld, and other leaders in the administration have said that we are going to the U.N. and we are going to get $12 billion from the U.N. We are talking to our friends at the U.N. Well, the President had an opportunity to go to the U.N. and make his case, but he did not make his case. He went saying the same thing that he said before to the U.N. And now, just today, just recently, the U.N. has agreed to $234 million. Mr. Speaker, $234 million is a far cry from $12 billion.

We of the Committee on Armed Services talk about the future need, which this administration is very reluctant to talk about. Yesterday, I think on Tuesday, Secretary Rumsfeld went before the Committee on Appropriations as it relates to armed services or military services, defense, and was very accurate as it relates to 14,000 recruits for the Iraqi police force, and some 50-something thousand Iraqi soldiers already out there. But when we asked the question, how many troops do we have? Well, that is kind of hard to gauge right now. Well, how many coalition troops do we have, of the willing? I must add. Well, that is kind of hard to gauge also. Well, what is going to be our future for us, leave alone 12 months from now, but 6 months from now? Well, that is all so hard to predict. We are at the U.N. now trying to put together, and they talk about this coalition of countries, but the coalition of countries of the willing, they are few. There are very few countries that have come forth that have put real people and real troops on the ground. Why would they want to put troops on the ground when this administration is not willing to give up some of the decision-making in Iraq?

The gentleman from Maryland hit it right on the head when he spoke so eloquently just moments ago by saying that if there is terrorism throughout the world, we cannot solve the terrorism problem throughout the world by ourselves. We do not have the money. Can I say that again? We do not have the money to be able to spend the millions, no, billions, and we are about to get to trillions, on borrowed money.

Some of the things that have taken place are just ironic. I am so glad the gentlewoman from California (Ms. PELOSI) and her staff and others have gone forth to really look at the kitchen table questions, like the gentleman from Maryland mentioned. We are looking at the cost of them wanting to build two prisons over in Iraq, 4,000-bed prisons, $50,000 per prison bed, when we build prison beds right here in the U.S. for $26,000. What is the difference? Once again, we look at just the issue of communications. $6,000 per radio phone. The Bush administration has requested $1.3 million for 400 hand-held radios, when here we can go down to the local Radio Shack and buy the same thing for $54.99.

So when we start looking at, as we finally get outside of them saying this is what we want, do not ask any questions, because if they do not answer our questions, I say to the gentleman, then when will the questions be answered? Should we just write the check and say, okay, we are patriotic, God bless America, and Mr. President, we love you, and Mr. Rumsfeld, we trust you? At no other time in recent history has the Department of Defense taken on the rebuilding of a society which we have gone into and have conquered in a battle, which the President brought us into several months ago, that the State Department does not have a say in this. The Department of Defense is still there, so we are still at war.

Mr. Speaker, I look forward to continuing this conversation.

Mr. CUMMINGS. Mr. Speaker, before I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Florida said something that really hit home. I too thank our leader, the gentlewoman from California (Ms. PELOSI), for all of her hard work and the work of her staff. When we look at some of the information that we have been looking at here lately with regard to this whole $87 billion, it is very interesting to know that that $87 billion can do a lot of things with regard to our education system. Mr. Speaker, $87 billion will hire 2 million new teachers. That is a lot of teachers. And we could spend an additional $1,824 on each child in American public schools. We could spend seven times more than the President's proposal for title I education programs in fiscal year 2004.

The reason why we are bringing this up is because we want people to understand that we just spent about $80 billion a few months ago, and now the President is talking about another $87 billion. And again, one of those kitchen table questions is what should we expect in the future, Mr. President? Will you be coming back to us asking for some more money?

Some people look at it and say, oh, you are attacking the President. It is not about attacking the President. It is a question of accountability. What we want the President to do is be accountable.

Talking about accountability, the gentlewoman from Texas (Ms. JACKSON-LEE) serves on the Committee on Homeland Security. I know the gentlewoman has a number of comments she wants to make. But when we look at what we are doing with homeland security, we are very concerned about homeland security. I get complaints, and I am sure the gentleman from Florida (Mr. MEEK) does, from our mayor and our local fire departments about the fact that they do not have the kinds of things, the equipment they need to really be true first responders. I just was wondering, how does the gentlewoman see this $87 billion request with regard to homeland security?

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman raises a very good point. I am very pleased to join my colleagues, and I thank the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Congressional Black Caucus, for addressing this crucial issue. We are grateful for the expertise that the gentleman from Florida (Mr. MEEK) brings to us on this issue, as a member of both the Committee on Homeland Security and the Committee on Armed Services.

But the gentleman has really hit the nail on the head. If I might build up to that answer, because when we hear where we are in terms of dollars, and it was so good for the gentleman to cite teachers, because 2 days ago a distinguished colleague of ours down on the floor of the House said that each child starting school in Iraq, and I applaud the fact that these children are starting school, would have a book bag to take to school. And I applaud that, I say to the gentleman. But the gentleman from Maryland mentioned teachers. I do not know how many of our young children in some of these inner city districts or rural districts are given a book bag or even books, each child, to take with them to school. This does not diminish the need in Iraq. But I think what we are trying to explain to the American people is this is about choices.

Just to let my colleagues know how we are giving away money, and I am going to add some more money on top of the $87 billion, is that we passed a continuing resolution a couple of days ago, a CR. What that does, because we have not met our obligations, and the majority is in charge, the Republicans of the Senate and the House, that means that we will spend an extra $2.2 billion more than the 2004 funding limit because we have not yet put in

place and finished all of our appropriations and we have a CR. The CR accomplishes this feat by shifting $2.2 billion of previously appropriated 2004 education funding back to fiscal year 2003. It is sort of a gimmick. So we have $87 billion, and now we are spending an extra $2.2 billion. We do not know where that is going; it is just sort of filling the gap to keep us going.

One of the reasons we are doing that is because even as the President is asking for the $87 billion, he is not rolling back this tax cut that we have given to 1 percent of America's richest individuals. So we are spending $1 trillion to pay them, and we are asking for $87 billion.

Now, let me contrast that with homeland security. The gentleman is absolutely right. In this last budget, we were between 59 and $79 billion for homeland security, leaving out, however, many of the issues that my colleague, my good friend, we discuss all the time. We are not up to par where we need to be in cybersecurity. We had one of our very fine representatives of the Homeland Security Department come and testify in the last 10 days and said, I need a Department of 800 persons. I have only 200 that are staffed up at this point. My local communities, police, and fire departments have already indicated, and I am talking about across the Nation, police and fire, that means sheriffs, constables, are still waiting for those direct funds to help them with the extra dollars that they have expended responding to our color alert. They responded to our color alert and have billed on the overtime for responding when we have upped it to an orange alert, right short under red alert. So the gentleman asks a very good question.

Let me throw all of this up against this backdrop, which is, I believe, we should bifurcate and vote separately on the resources necessary for the troops. Because the gentleman from Maryland said it, and I think the Congressional Black Caucus has been very clear in everything that we have said, because our constituents are those on the frontline. We have been very clear. We support them. We support their families. In fact, we have been on the frontline about where are the benefits for these troops that are returning home; where are the veterans benefits; where are the mental health and trauma dollars that we understand Fort Bliss in Texas are cutting back on mental health services that are needed for returning troops.

But let me just say this: the $87 billion, I have been told, is the largest supplemental request, supplemental, because this is not in our normal budget, supplemental request in history. It totals more than the seven smallest supplemental bills that we have funded over the last term of this Congress. It is more money than we spent in Vietnam. Tragically, 50,000 of our young men and women lost their lives there. But it is more money than we have spent in Vietnam, including all of the defense appropriations during that era from 1965 to 1975. It is more than that.

Our good friend, the gentleman from Florida, made another point. Because as the gentleman well knows, we have had a series of discussions, and there was a set of principles that I sent out, and I think our good friend from Florida, the distinguished gentleman from Florida, said it and the gentleman from Maryland said it: the President made a commitment to go to the United Nations. I was in New York when he spoke before the General Assembly, waiting for sort of the olive branch to encourage our allies to give the big dollars that we needed to truly make a dent. Just like President Bush One in the Persian Gulf had a real coalition, whether we agreed or disagreed with the war, the total spent in that war was $62 billion; and the United States spent only a total of 7.5 in the Gulf War, where hundreds of thousands of troops that included troops from all over the world were in that war.

So what we have here is a failure of the President to heal the rift, so that we can sit down and get an extended commitment of dollars. I think $234 million is a pittance compared to the $12 billion that would truly have an impact on the $87 billion.

□ 1845

So let me just finish because I see my friend, the gentleman from Florida (Mr. MEEK), has a point to make.

Mr. MEEK. I say to the gentlewoman from Texas (Ms. JACKSON-LEE) the unanswered questions are huge. These are not just small unanswered questions. We talk about deficit spending. I want to remind Americans that we are talking about borrowed money. We are not talking about money we have in our pocket. We are talking about borrowed money.

Quickly, there is still not an accounting for the $80 billion that we passed out last spring, that we entrusted to the administration, as it relates to the deployment of 30,000 troops and reserves from their homes.

Also, Secretary Rumsfeld, who I must say is getting very irritated with the fact that people are asking questions, he had a press conference today and chastised the press and said they are not reporting about the good things the Members of Congress that went over to Iraq had to say about what was going on. Well, you know, that is fine. We have gone to the region. The gentlewoman from Texas (Ms. JACKSON-LEE of Texas) and I, we have gone to the region. That is fine. That is okay for him to have some concern there. But do not get upset with the press.

We are getting down to the nitty-gritty of saying, Mr. Rumsfeld and President Bush, you have got to let us know what is going on. If you can be accurate on 56,000 Iraqi soldiers that our military are training and 4,000 police officers that have been recruited, the figures that he gave this past Tuesday, but he cannot give us a count on our own soldiers, something is wrong. These are unanswered questions.

The administration, as it relates to the fine print on contractual services, remember we have $20-plus billion in this request in the rebuilding of Iraq, and the administration is saying, you know, do not put any language in the bill that will tie our hands so they can continue to give sole-source contracts.

Now, we all know, as lovers of public education, as lovers of what we have to do to even make our homeland safe and children ready to learn when they get in school, think about how many Head Start programs who have to go through yards and yards and stacks of paper to prove their funding. I think it is important, Mr. Speaker, that we have that fine print there.

I am glad the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) talked about the numbers. We are taking a credit card with a very high interest rate and paying for this so-called ''trust me'' without the help of the rest of the world. The last time the President went to the U.N., Mr. Speaker, I must add, and left with the kind of reception that he got, which was a bad one, we ended up by ourselves. And we are by ourselves now.

Ms. JACKSON-LEE of Texas. If I could just finish and build on what my good friend said. He is absolutely right. I mean, the lack of interest, unfortunately, in the presentation made by this administration to the U.N. in the last 10 days, when all of the world was watching and all of the world was there and at least seemingly wanting to provide the kind of broad coalition which would be the key to the aftermath of Iraq, we did not rise to the occasion.

So I think this idea of voting separately for the rebuilding which allows us to then rebuild the friendships and move that dollar amount up from $234 million, that shows that that is the result of an unhappy group of allies. We realize that these are all issues of permanence and all friends are tentative, but I think there is a common interest that we want to make sure that the region is secure and the region is stable. Even we are not doing that by having the kind of negotiations that this administration needs to have.

Let me conclude by saying this: We have to support the troops to the extent that they are on the front line. So it is imperative that the document that the gentleman from Florida (Mr. MEEK of Florida) was holding up is a document that has gone through a fine tooth comb.

Because what we find the greatest failure in Iraq being, besides not finding the weapons of mass destruction, as David Kay has now come back and indicated that even his team of 1,500 have not been able to document the basis upon which we say we went to war, and the fact that we were told that we were about to be imminently attacked, so that is clearly something we should pursue, but we are now there and we

are told, and I guess my friend has more of these facts because I think he was raising it, that our very troops do not have the kind of ammunition, armor, and equipment that they need to do their job.

How in the world can the Secretary of Defense be insulted by media questions? He should be here before us, before any committee of jurisdiction or a caucus of Members who have the responsibility to ask these questions for their constituents, to answer these questions.

Let me list them: Portable jammers. What does that mean? It means that those of you who are trying to, using my own term, de-explode a land mine, do not have to go up to it to do it. You can stand back and do that. That causes less of a loss of life.

A non-broke-down Humvee. We see the ones that the kids of the rich are driving, but this is a serious vehicle, broke down.

And then the other one is body armor.

These are the hard questions that I believe this special order is generating. I am grateful that we have the opportunity to dialogue on this, and I hope that our colleagues and the administration realize how serious we are in these questions and how impossible it would be to vote for the $87 billion under these circumstances.

Mr. CUMMINGS. I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE of Texas).

One of the things that certainly concerns all of us and the last thing that was just talked about is our troops being properly equipped. That is why I said we are not asking rocket-scientist questions. What we are asking are basic questions that any person would ask in their family if they had a serious issue at hand. And I tell you, if your son or daughter came to you and said, mom, I got an emergency, you gave her $80 to deal with the emergency; and then she came back and the emergency still was not dealt with, or you asked some questions about it, you are going to ask the question, what happened to the money I gave you? This is basic stuff.

So the more we look at what has happened here with the President, it seems as if the President does not want any questions asked. That is crazy. I mean, that does not even make sense.

So what we are trying to do, we want to make sure our troops are protected and make sure when they go out on that battlefield in 100-plus degree weather that they have everything they need, and we want to make sure at the same time that if we are going to be about the business of rebuilding Iraq, we would like to have a separate vote. Let us vote on the resurrection of Iraq and let us vote on the support of our troops and let us have accountability.

Speaking of accountability, the gentlewoman from Washington D.C. (Ms. NORTON) has consistently addressed this whole issue of accountability. Being here in Washington D.C., and I do not say the capital of the Nation because, actually, it is the capital of the world, we certainly saw what happened on September 11; and when you talk about first responders, we have to make sure that it starts here.

Ms. NORTON. Mr. Speaker, I appreciate that the Members understand the vulnerability we feel here in the national capital. The gentleman from Maryland (Mr. CUMMINGS) is in this region as well. And, of course, there is almost no attention being paid to vulnerability at home. I am on the Select Committee on Homeland Security, and I can tell you that those issues have been moved off the screen by what is happening in Iraq, by this $87 billion request.

I want to thank the gentleman from Maryland (Mr. CUMMINGS) for coming forward this evening to continue this dialogue in the way he is continuing it among the members of the Congressional Black Caucus. I thank the gentleman from Florida (Mr. MEEK of Florida) and the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) for the repartee and colloquy that they have.

I see I have two of my good friends and sisters who need also to be able to speak before our time is up, so I will try and have consideration and bear that in mind as I speak briefly.

I want to congratulate my colleagues. I heard some of their colloquy on the troops. I am tired of talking about the war. I want to talk about the people who are being forced to make this war. Yes, they are volunteers, but none of them, none of them expected and indeed none of them were promised what has happened to them now.

We of the Congressional Black Caucus are concerned. A third of the U.S. Army is African American. About 20 percent of the armed services are all over, but when we speak about troops, we are talking about the American men and women who are in Iraq. I am saying, Mr. Speaker, they are not just in Iraq. My God, one begins to wonder where are they not? We are still in Europe and Japan. How long ago was World War II? When did the Cold War end? Nobody is talking about burden sharing anymore, about pulling them out. Korea. I guess most of the Congressmen were not even alive. Nobody is talking about going home from there. We are in Philippines, Bosnia, Kosovo, the Sinai Peninsula, Liberia. This is all that has come to mind. I have not done the encyclopedic rendition of where we are.

I am very, very frightened for my country now. Because my country is overly dependent on what we have come to call the weekend warriors. We know who the weekend warriors are. The weekends warriors are not your daughter and my son. They are not the folks who can go to college. The weekends warriors are the people who, knowing full well they may have to go abroad to fight a war, nevertheless had no expectation, for example, of having 6 months turn into a year and then come back and have to go again.

They want more troops. They say more foreign troops. They do not have enough troops to fight this war. They say foreign troops because they do not want to tell the American people the truth: They need more folks. We know from what has happened at the U.N. they are not going to get them from France and Germany. We are paying for the troops that are there from other countries already, so we are getting no financial relief. There are drips and dabs from other parts of the country.

Where is the pool going to go come from, Mr. Speaker? There is no place else for it to come from. It is going to come from the people who are now supporting their families here that have not been called up yet. The people who are in the Reserves and in the National Guard, largely for financial reasons, and are now becoming the blood and guts of the Armed Forces.

Mr. Speaker, I do not believe, and I think it can be easily proved, that this notion that we talked about endlessly of being able to fight two wars at the same time is any longer the case. We are hardly able to fight Afghanistan and Iraq at the same time, and there were howls about how Afghanistan was being neglected.

I defy anybody to tell me if a major war were to break out somewhere else in the world today how we would be prepared to go even a fight that war. But that was always the paradigm. We could do that. Because we invaded Iraq, a war of choice, that was unnecessary, we can no longer do that.

Mr. Speaker, I just want to say why a country, not simply we who feel for the troops, should be concerned about this. For the Active Duty and the Reserves thus far, there have been no particular impact of this war; and the reason the analysts tell us is there is no impact is the bad economy. People are, in fact, still joining the Active Reserve and Active Duty because they cannot get a job at home. Thank you, Uncle Sam. What you are not providing in America, people are getting their job risking their lives in the armed services.

But watch out for the National Guard. The National Guard is already 20 percent down on meeting its goal for the year. I ask you, Mr. Chairman, do you think the average person seeing National Guard targets in Iraq would now sign up to be in the National Guard? Moreover, the parents and the relatives of those who are there now say that, in the units where their husbands are fighting, three-quarters of the unit is going to go as soon as they are able to get out.

Who is going to fight the wars at all if going into Iraq means nobody wants to be in the Reserve anymore, nobody wants to be in the National Guard?

□ 1900

Mr. Chairman, did you know that you cannot get out now when your time is up because there is something called the Stop Loss for mobilized units? So your time is off. You signed up to X date; X date is passed and you are still in. Last time I looked, that was called a draft, and yet these are supposed to be volunteers.

Finally, Mr. Speaker, let me indicate a particular outrage that came to public note only this week. I do not know if I were to ask the average person what employer do you think has the largest number of Reservists? And I think people might think of AT&T or General Motors. Mr. Chairman, it is the United States Government. There are 65,000 Reservists who are employed by the Federal Government, people who serve their country in a civilian capacity, serve their country as a Reservist, the single largest employer in the United States is Uncle Sam, and so it should come as no surprise that we would have more Reservists. I did not realize until recently that 48,000 Federal technicians, there are 48,000 Federal technicians who are required to be members of the National Guard as a condition for employment by the Federal Government. So you would think that we would do what we could having so many of these Reservists.

We are not among the 200 private sector employers and 50 local and State governments who make up the difference in pay between what they earned on the job and their military pay. We are not among them, although many State governments are and many private employers are. So we have a chance to close that, to say we realize there is a war no one expected to fight. We realize horrific things are happening to families, so let us do what large companies do.

Instead, this week we learn that there was no chance, indeed, the defense appropriators in conference indicated that there was no chance that there would be a provision to close the gap that the civil service employees who have been called to active duty face. It was being considered by House and Senate negotiators working on the fiscal 2004 defense authorization bill, and word came on Monday that provision is dead, and they said it costs too much money.

Let me tell you what is too much money to make up the difference, the huge financial sacrifice to families would have cost over 5 years, $160 million dollars. We are talking about $87 billion. The notion that we cannot find in the huge defense budget, $160 million to do what 200 private companies do, to make sure that the sacrifice which is already horrific because you are already in the first place, would not come in dollars and cents to you and your family. So I say shame on you, Congress. Shame on the conferees for coming to the floor every day that this Congress is in session to talk about the troops. And when time comes to put up or shut up for the troops, they shut up.

Mr. Chairman, I want to invite one of my sisters to come forward now who has not had an opportunity to speak, and I would like to thank the gentleman for his leadership on this special order.

Mr. CUMMINGS. Madam Speaker, the gentlewoman from California (Ms. LEE) has just spent a phenomenal amount of time along with the gentlewoman from California (Ms. WATERS) on the whole issue of AIDS.

It is just interesting, again, we are trying to do a number of things this evening, but we want to put this $87 billion in context. Before the gentlewoman comes on, I just want to note that with $87 billion, we could spend 27 times more on AIDS research than the Federal Government spent in fiscal year 2000. We could spend $226,000 on each individual AIDS patient in the United States, and we could fulfill the President's promise of $3 billion for funding for AIDS in Africa this year and have enough left over to make a similar commitment for 28 more years.

Ms. LEE. Madam Speaker, I thank the Chairman.

Let me commend the gentleman for his leadership and for insisting that the voices of reason really speak out in terms of organizing these speak-outs, and these special orders for the Congressional Black Caucus to really talk to America about the critical issues. And, of course, tonight under the gentleman's leadership, we are talking about this $87 billion that Congress is about to appropriate in the next couple of weeks as it relates to the war in Iraq.

First of all, let me just say that I am the daughter of a military officer, 25 years, much of the time was spent in Fort Bliss, Texas. In fact I was born in El Paso, Texas, and so my support for the troops is very deep, and I understand very well the issues with regard to what makes sense in terms of the real deal in supporting the troops.

Our troops need all of the protection that they can receive, that we should provide. They need their benefits. They need their survivor benefits. They need their health care. They need the respect. They need all of the budget items that I do not really see in this $87 billion. I do not even know what happened to that, what, first $78 billion. Why would our young men and women need such items as toiletries. Why would they have to pay for certain items such as food at the hospitals? Why would they not receive their full retirement benefits? And all of the issues that we are talking about tonight, that first $73 billion, I believe it was, what was in that? Was not that enough? Then you look at the military budget in total, what is that, $400 billion or close to $400 billion. We have got missile defense in there now. What is going on with this budget?

I think first of all, we should demand some accountability, and I think that is what, in fact, the principles that I want to applaud the Congressional Black Caucus for putting together really enunciated. Where is the accountability for the taxpayers' money?

With regard to what was mentioned earlier in terms of the whole HIV/AIDS pandemic, we negotiated a measly $3 billion a year. We cannot even get over $2 billion yet. We have asked the President just to live up to his commitment. Over 100-some Members of Congress wrote a letter requesting the additional $1 billion in the supplemental. We get a response that I do not even want to talk about it. It is pitiful the response we received.

Today we talked about Liberia in our Subcommittee on Africa and the development efforts and the stabilization requirements in terms of resources, minimally $200 million. We cannot even figure out where that is coming from. I say we need $500 million plus. I do not see that coming around. How do they find $87 billion and cannot find $1 billion for HIV/AIDS in Africa? So I think we need to do this, and this is what the gentleman from Maryland (Mr. CUMMINGS) and the Congressional Black Caucus is really exposing, what is really going on.

I think that is what is really going on, of course, we know in terms of this entire effort to build a country. I personally believe that if we bomb the heck out of a country, we have some responsibility to fix what we damaged. Beyond that, in terms of long-term development, when you look at Halliburton and Bechtel and contracts that are no-bid contracts, money is being made as we speak and will be made, profits, lots of money in terms of the development of a country, the construction of a country.

Here in our own communities, what are we looking at? We are looking at dilapidated schools. We have 44 million uninsured. No health care. In my own State of California, I think we are up to seven million now uninsured. Dilapidated housing, unaffordable housing. What is happening in terms of jobs in our own country? What? Three million plus unemployed now. So when we look at $87 billion, I think that $87 billion could be used right here at home.

Now, having said that, let me say that I believe also that in supporting our troops, we support them by bringing them home, but we also support them by developing an exit strategy, a time frame, a point in which they know they will return home. And during this transition period, we are required and should make sure that they are safe and secure. But how can we give this administration, any administration a blank check to engage in guerilla war in perpetuity. I could not support it the first time around, the second time around, and the third time around. And this is another payment now, another quarterly payment I guess on what could end up being $400, $500 billion. I think that is outrageous.

I think the American people deserve some answers to why in the world, first of all, I must say why did we go to war?

And I think that we should stay here until we figure that out and demand investigations as it relates to the weapons of mass destruction. I mean, I think that is very important to know. And so we are going to insist that an independent commission be established or the select committee be established to investigate all of this. I do not think Congress should recess until we know what happened. I think the American people deserve answers.

This is our Government. We pay taxes and, of course, we want to make sure that each and every dollar we spend goes in terms of peace and security.

Let me just close by reading a quote from Dr. King. Often times we quote Dr. King and extol his virtues. He was a prophet and a visionary, but many only do that during January, but I think we should remember Dr. King's message each and every day. I want to read this quote by Dr. King who gave us this message in the 1960s. Dr. King warned us, he said, ''In the wasteland of war, the expenditure of resources knows no restraint.'' No restraint.

Dr. King knew that war would be, could be, is a bottomless pit in which this great Nation could pour all of its resources, all of its young people and really never come out safer or stronger.

Mr. Chairman, I want to commend the Congressional Black Caucus today for remembering Dr. King and remembering his words of wisdom. He died for what was right, and I think we have a duty and responsibility as it relates to going to war, the use of force, $87 billion worth of taxpayers' money. I think we have a duty and a responsibility that we make sure that our troops are safe, that our young people are secure and we develop an exit strategy so we know they will come home.

Mr. CUMMINGS. Madam Speaker, how much time remains?

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Maryland (Mr. CUMMINGS) has 12 minutes remaining.

Mr. CUMMINGS. Madam Speaker, I would like to say that the gentlewoman from California (Ms. LEE) just raised an issue.

The gentleman from Florida (Mr. MEEK) is on the Committee on Armed Services. I was wondering briefly, have we heard anything about an exit strategy or how we define success in this from anybody?

Mr. MEEK of Florida. Not at all. And not only has that information not been given to the Committee on Armed Services, but it has not been given to the committee in question that they are asking the money from, that is the subcommittee, the Subcommittee on Defense and also the full Committee on Appropriations. That question has not been answered, neither in the House nor the Senate.

I must add also that the gentlewoman from California (Ms. LEE) hit on so many points. The real question is if we vote or vote against the $87 billion, are we supporting the troops or are we supporting the President with cowboy politics, with his cowboy politics? That is the question.

So when folks say, I have to vote for it to support the troops, of course we want to support the troops, but the troops are not at the UN. The troops are not coming before Congress and saying, Ask no questions or we question your patriotism.

The gentlewoman from the District of Columbia (Ms. NORTON) came in here and said, What about the individuals that are right here? There are families right now watching us here on this House floor, and there are family members over in Iraq, meanwhile, they are behind in their house note. Meanwhile, the story cannot be read by mom or dad because they are in Iraq.

So if we give the $87 billion plus, I have to add that, to this Bush administration, then we are saying that we condone the President going to the UN and not asking nicely for help. We condone individuals that are going to be in Iraq for some time.

Ms. JACKSON-LEE of Texas. Madam Speaker, if I might just add this point as our colleague comes forward. The gentlewoman from California (Ms. LEE) made a good point on that. First of all, we need to stay here until the President gives a real exit strategy because what we see is that the administration has no exit strategy. So the gentleman is absolutely right.

□ 1915

We need to stay here in session and not only stay here in session but have the committees of jurisdiction, the relevant committees and this body have the time to deliberate and debate so that we are responsible to those families that are over there.

The other thing is we are absolutely right that we should not separate out how we got there, whether it was weapons of mass destruction, imminent attack, and say that is bygones. That is behind us. We have lost lives. There are children, and forgive me for calling them children. There are young people. They are enlisted persons. They are National Guard. They are Reservists. They are our constituents in these hospitals, Bethesda and Walter Reed, with amputated limbs and with missing eyes; and they went to war on the basis of imminent threat and homeland security.

Now they are telling us that, one, they have no exit strategy, and, two, we should not ask any questions, and, three, weapons of mass destruction, that is the bygones. We do not need to talk about it. We need to stay here and question David Kay extensively on his report, no weapons of mass destruction; and by the way, 1,500 people were the ones under his team that went over there, and, two, we need to have the administration not give us classified information but give to this Congress a designed, defensive exit strategy. Lastly, we need to know line by line how these dollars are going to help the troops and how we are going to bring them home.

Mr. CUMMINGS. The interesting thing is that I think one of the most brilliant moments since I have been here is the few weeks before we went to war, and I think just about everybody who was on the floor tonight came up, and we talked about the war. We talked about the principles and we asked the President to meet with us, and he refused to meet with us; but we wanted to raise those key questions, and I think it does have relevance to a degree of what happened before the war and the fact that no weapons of mass destruction have been found. I think what it does is it should cause us to say, well, if we went to war on that basis and weapons have not been found, then why is it that we should just sit back and not at least question how we go further into this venture? I think it is important that we do that; and as I said, these are the basic questions.

That night, I will never forget the gentlewoman from California (Ms. WATERS) stood up and gave probably the most brilliant speech I have ever heard, talking about why we are going to war, and literally did a wonderful job in just laying out her rationale; and I would be happy to yield to her, but I believe she will come back just after we finish.

I want to thank my colleagues, and now I yield to the gentlewoman from California (Ms. LEE) because I know you had a lot of concerns. I do not want to go back and rehash a prior war, but I just do think it has relevance because, again, we were told and I think the caucus was trying to raise the issue back then that we questioned whether or not we should be going to war, whether we should have more patience in looking for these weapons. We felt the things were working well, maybe not at the pace the President wanted them to, but at least we could have avoided the loss of life.

Ms. LEE. Madam Speaker, if my colleagues remember, we consistently said that the inspections process was working, that weapons of mass destruction would be found, and when found, if they were found, we would make sure, the U.N. would make sure, that they were destroyed. It was a search and destroy mission. Containment was working, and I believe that it is very, very critical at this moment, at this really truly defining moment that we understand that this foreign policy doctrine of preemption, the use of first strike based on a perceived future threat is a very dangerous policy.

The President has the authority to use force in the event of an imminent or immediate attack. That is not a question. The point where we are now in our country I think is very dangerous, and we set the standard for the rest of the world in terms of our foreign policy. If it is okay for the United States to use force first, then it is okay for North Korea or it is okay for Iran,

it is okay for any other country; and so I think that this is a moment where we must go back to the drawing board, I think reevaluate our foreign policy, and reevaluate the axis of evil concept because I believe that it is provocative; and I do not believe that we are any safer, that this course that we are on and that policy will not lead to more security. I think it is very dangerous. It does not lead to peace in the world.

I want to thank the Congressional Black Caucus for making sure the American people know there are many of us who believe that.

Mr. CUMMINGS. One of the things that was so interesting, I shall never forget at the State of the Union address, if my colleagues recall, there was a part of the speech the President made that showed over and over again on the television, when he said that we in our generation right now must take care of this situation and that we should not leave it to future generations to address terrorism and what have you. Basically what he was saying, too, is that we should be paying for it. It is going to be impossible for us, the living, to completely pay for this war. This war will be paid for by our children and our children's children and our children's children's children; and when we look at this $87 billion again, one wonders where does it end, and that is why this whole question of exit strategy is so very significant.

How do we mention success? At what point do we say, okay, we have done the job, we have accomplished what we are supposed to accomplish?

I just thank the Congressional Black Caucus for coming together this evening and constantly over and over again being that conscience of the Congress and I would say the conscience of the country; and I will yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, my colleagues mentioned the human factor, and I want to take us back briefly to the Vietnam War because we know that many of our contemporaries and others, people that live in our neighborhoods, maybe some of the homeless men that we see in the streets of our cities and I do not think the Vietnam veterans would mind us expressing their plight because they come to me all the time, and I want to make it very clear that there is not one whose support that I diminish, that I take away from them because of this war or that war. They obeyed orders. They took the oath. They offered themselves for my freedom.

But we are reminded of the Vietnam War, and I see a lot of the brothers of all colors, shapes, sizes. I have spent Christmas days with them, as my colleagues all have, in homeless shelters, the aftermath of that war, the pain of that war, the pain of being subjected to guerrilla warfare, the pain of not knowing who the enemy is or was, and so they do not want to be caught up in shooting the wrong person. I am fearful without an exit strategy, and I think the gentlewoman from California (Ms. LEE) mentioned that this guerrilla warfare, not knowing who the enemy is and then not having an exit strategy, so not having a definitive time certain to come home to your loved ones.

And then when you come home, what I am hearing is that we have got to cut mental health services on the bases, so that means the traumatic experiences that families are having, where are the counselors? I am hearing, as was said, that we are paying for meals in hospitals. I am hearing that veterans services are being cut. I am hearing that these young men or women returning may not have the ability to go to college because Pell grants are being cut.

What are we saying to these young people coming back, no jobs, families in distress, families maybe in disarray? I am not condemning. You may come back and the family was strong and they welcome you back. What about the mourning parents who are mourning the loss of a 19-year-old, who just want some connection? They are no longer connected to the military. I do not know what they do with military families who have lost a loved one, and so I think what you are doing here tonight is so crucial because we are asking questions that apparently they are trying to cover up, hide or they are not putting the human face to.

She is not here, but I just want to say the gentlewoman from California (Ms. WATSON) recently visited one of our wounded individuals. She said that person lost their limbs and was blinded in one eye. That is the human face, why we are here tonight and talking about this issue.

Mr. CUMMINGS. Madam Speaker, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Madam Speaker, quickly, I just want to make sure Americans understand, be very quick, you need to look at your children and you need to look at your grandchildren. The administration is saying ask no questions. They are spending their future away. If your child's class size is 30, now look for it to being 50 because this government will continue to cut back so local governments will be in deficit spending.

Right now the States are $70 billion in deficits and that will continue. So I am not looking forward to doing things on a credit card. I am looking forward to doing things the way we are supposed to do and govern, and when I hear the President say we need to fight the war on terror in Iraq and not here, being in Iraq has nothing to do with fighting the war on terror in the United States.

Mr. CUMMINGS. Madam Speaker, we merely say to the President, be accountable, be accountable. I thank my colleagues very much.

SETTING THE RECORD STRAIGHT

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

Ms. WATERS. Madam Speaker, I came to the floor this evening to join my colleagues and hoping to educate the American public about what is going on with our government and what is happening with the request for $87 billion to continue the war in Iraq.

I think it should be very, very clear and I would like to set the record straight for myself. I will not support $87 billion to continue this war under any circumstances. I am very clear about that. As a matter of fact, I have been concerned. When it first came to light that the President was requesting $87 billion, I heard some of my colleagues in the other House say, we are going to ask him some tough questions; we are going to ask them all kinds of questions about what they did with the money that we appropriated before. But they all conclude by saying, but we are going to have to give him the $87 billion.

I have not and will not reach such a conclusion, a, because the President and his representatives, whether it is Condoleezza Rice or Colin Powell or Wolfowitz or any of the rest of them, DICK CHENEY included, they will come to this Congress and they will tell us whatever they think they need to tell us in order to get what they want. They have not been truthful in any shape, form, or fashion; and they continue to defend this preemptive strike and to mislead us about what they are doing.

Madam Speaker, I do not want anybody to say that because I do not support the $87 billion that I am unpatriotic. That old accusation has worn out. It has worn thin. The President and his representatives have threatened everybody with we are going to call you unpatriotic if you do not do or say what we want you to do or say. Well, I am not threatened or intimidated by that. I am not going to support $87 billion, and I am more patriotic than they are.

As a matter of fact, as I stand here tonight, there is a traitor in the White House, a traitor who has outed a CIA operative, placed a woman's life on the line because they chose to be vindictive and to get back at her husband because he, in fact, helped to reveal the fact that he was the one that had been dispatched to Niger to find out whether or not Saddam Hussein had tried to get uranium to further his efforts to build nuclear warfare; and because he told the truth, the ambassador told the truth, he simply said I told the CIA that, in fact, there was no evidence to show that there had been an attempt by Saddam Hussein to get uranium from Niger, but the President put it in his speech to this House and said in so many words and led the American people to believe that it was another reason why it was important for him to

have this preemptive strike. Well, there is a traitor in the White House. They are unpatriotic, and I do not want to hear them utter the word one more time about who is patriotic and who is not.

As a matter of fact, as we look at how we have been misled, we need to remind the American public over and over again that we support our soldiers. We are upset that they have not had the equipment to keep them safe and secure and all that we thought they had. Each day we are finding out more and more about that which they have not had and ways that they have been suffering.

We have been misled by Donald Rumsfeld. Donald Rumsfeld comes up to this House and gives us so-called classified briefings. We do not learn any more from him than we learn on CNN; and Members have been too intimidated to ask him the tough questions, to push him up against the wall and tell him when they think that he has been misleading us, but just take a look in the ways that we have been misled.

□ 1930

First of all, we must say over and over again, remember, they said they were going to do this preemptive strike because Saddam Hussein was harboring weapons of mass destruction. They have found none. There are none. I do not think they will ever find them.

But, of course, Mr. Wolfowitz said, we just told them that. He had the arrogance and the audacity to say, well, we thought that would be the best way to get support for the war. So they misled us, told us a lie, basically, that there were weapons of mass destruction.

And then they told us that they had drones. And these drones that were normally used for surveillance were equipped to deploy biological and chemical warfare. Another lie. The uranium lie.

I will close by saying we have been misled; we have been lied to. The American public should not feel mispatriotic. Do not support this war. Tell your Congresspeople not to spend $87 billion on this war.

FURTHER MESSAGE FROM THE SENATE

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

S. Con. Res. 71. Concurrent Resolution providing for a conditional adjournment or recess of the Senate.

IMMIGRATION AND IMMIGRATION REFORM

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Madam Speaker, I rise tonight to discuss an issue that often I bring to the attention of this body, and that is of course immigration and immigration reform, an issue that I think we spend far too little time discussing here.

I was compelled to come tonight to share an e-mail message I received just a couple of days ago. It is from a lady by the name of Rhonda Rose. And Ms. Rose speaks, I think, compellingly about a problem, a set of problems, that she perceives in her area. And I think she is not unique in this. I think she speaks for many Americans, in fact, millions of Americans. So I thought I would start tonight by sharing this particular e-mail message to me with my colleagues.

It says, ''My story: I live in a world where I do not count. I'm not a minority. I'm poor. I don't have coalitions rallying for what I feel is important. I don't have news reporters writing about 'poor me,' but I have views. I vote, I pay taxes, and I know there are millions of people in America just like me.

''I live next to a shelter built by politicians who are afraid to have an opinion about closing the border. Daily, 1,500 illegals come and visit that shelter. It was supposed to keep these 'poor people' from urinating and defecating on the streets. It didn't. My home and my vehicles have been broken into 22 times in 5 years.

''I stopped calling the police each time now that this happens because they do not come any more. Instead, we bought a gun. We scared off the last person trying to steal our truck. The only English he knew was enough to say 'sorry' as we pointed at him. Three months later we still have a towel over the smashed driver's-side window.

''Last week, I was ordered to pay an $85 fine for a false alarm. Police showed up for that hearing. The police couldn't find any criminal at my home when my home alarm sounded. I'm curious how long police think bad guys 'hang around' after an alarm has been triggered.

''I was involved in an accident in my car. The policeman said I would have to wait while he called for backup. My baby was screaming. The police had no film in the camera. The backup police had no fingerprinting ink or film. The person who ran into me was here illegally. He had a fake ID, but the police said there was nothing that they could do about it; the illegal alien would just get another fake ID and would never show up for court. He didn't have insurance. The illegal alien who hit me said sorry as he was walking away. He was free to go. I was free to pay the deductible on my car and the chiropractor bills for my children and myself. If I drove without insurance and hurt someone or their possessions, I would be forced to pay for the damages or lose everything I had.

''My husband works 6 days a week as a framing contractor. He pays FICA, Social Security, State taxes, Federal taxes, general liability insurance, workman's comp. insurance, and probably others that I don't remember. His workman's comp just skyrocketed from $5,000 per year to $28,000 per year. Now, I ask you, where are we going to come up with the extra $23,000? We had no claims. Should I take it out of my food budget? We often go weeks without meat. Should it come from our clothing budget? We buy our clothes at thrift sales and savers. How about our entertainment account? Does seeing a movie every month qualify?

''My home insurance costs me $100 more yearly because I live in a border State. How long before Kansas becomes a border State? I have had no medical insurance for years and years. I can't afford it. At 33, I got cancer. My doctor told me to go to ACCHS. I don't remember how to spell the State's medical system, since they declined me.

''My husband's company had no profit in 6 months due to theft and lack of laws at the time to force general contractors to pay. Without studying my receipts, I was declined. Interesting that hundreds of illegal aliens in this country standing in line were being given food stamps and medical care. They did not have Social Security numbers; they did not speak English. If you don't believe me,'' she says, ''look at the application DES.''

I am sorry, Madam Speaker, but I do not know what that stands for.

''Spend 5 minutes at DES and remind yourself why you pay taxes. You won't be smiling.

''Taxes. Well, we fell behind one year. I contacted the IRS and told them we wanted to make arrangements to pay. We now show the IRS everything we buy, from the female items to chewing gum, they see the receipt. For the next year we will be scrutinized. For the next 5 years we will be audited. Maybe I should never have done the right thing and told them.

''My son cries nightly because his legs and arms hurt. He has cried for almost 7 years. My husband often walks on one leg because his back and leg pain is almost unbearable. Monthly I have many strokes. During those times I lose the ability to speak well, and I have had seizures until I lose consciousness. We really don't know what is wrong with any of us. We may never know. We can't afford a doctor. God forbid we need emergency services. Thirty percent of the time hospitals are on divert status because there is no room. Illegal aliens have taken their kids to the ER for colds and sore throats. I would only go if I lost a limb or if my heart gave out.

''Two years ago, I announced to my family there would be no turkey for Thanksgiving. We would eat pasta and be thankful we were a family. My Catholic friend made arrangements for me to get a food box from her church. I went, reluctantly. I drove up in my broken old van and saw a lot of full new, stickers attached, Suburbans. My

van was the worst vehicle there and it hit me that I really was poor.

''I stood in line for 20 minutes amazed at the number of illegals taking box lunches and boxes of food. When it was my turn, I had to show an ID. I was told to leave. There wasn't enough food for me to take a box. I looked around. There were boxes of food everywhere. For a minute I forgot that I was not in a minority and in their eyes not deserving.

''At church, our pastor reminds us to stay hopeful. I struggle to make sense of a system that has taken from me and given to those who have more than I do. Who will be my voice? Where is my coalition? I thought it was the leaders of America. I was wrong. They have sold me out and millions like me. And what is worse, I do not know why. Rhonda Rose.''

Now, Madam Speaker, I think that Ms. Rose's situation is dire, but I think in many ways she says what many people feel. They feel, in a sense, disenfranchised. They feel that they are losing their own country. They feel that they cannot look to their own government for support or for help.

Night after night I come on this floor and I bring to the attention of the body stories of people who live on the border in Arizona, Texas, and California. I talk about the fact that these people are in many ways homeland heroes because their stories were not all that dissimilar from Ms. Rose's. Their lives have been essentially destroyed. Their businesses, homes, ranches have been overtaken by illegal aliens coming through by the hundreds of thousands destroying property, vandalizing, threatening, attacking; and they do not know why.

They are asking why this is happening now, when we have lived here for generations. Our family has been on this property for generations. We have always had people coming through here, sometimes illegally, or many times illegally, but only a few of them. And we would give them food and we would give them water and they would move on. But now it is by the thousands that they are coming through. And these people turn to the government for help and our government turns a blind eye to them. And so they get frustrated, as you would, Madam Speaker, and as I would.

So they write to their Congressman, and they talk to their neighbors, and they see no change. And they wonder why they do it. They wonder what is happening when they read polls that show that 70 percent of Americans are essentially on their side. And, Madam Speaker, I have to say to Rhonda that 70 percent of this country looks at this, listens to your story and is empathetic and believes that some change should be made, but maybe 25 percent of this Congress feels the same way. And I do not know who in the administration feels this way. But not enough people here feel this way, I will tell you.

And so we end up with a system that is unresponsive to the people; and anger grows, and resentment grows, and frustration grows. Because every day people see things like this. They pick up the paper and they read that another State has just decided to give illegal aliens driver's licenses. They see that foreign governments can distribute cards to those people living here illegally. These are referred to as the matricula consular card, and that States and cities are agreeing to accept these cards for a variety of services. Illegals can open bank accounts with these cards, they can obtain social services, they can even get driver's licenses.

In California, the most recent State to allow illegal immigrants to obtain driver's licenses, you can use a matricula consular to obtain your driver's license. How do you get one of these? You get them from a consulate here. Usually, the Mexican consulate. They are the ones that hand out the most. And what do you have to give them? You have to give them some documentation that says you are a Mexican citizen. Not that you are here illegally; but, of course, everyone who needs one of these cards is here illegally.

□ 1945

Madam Speaker, I want to repeat that. Every single person here in the United States who needs a matricula consular is here illegally because if you are here legally, you have a document that we have given you. You have a visa. You have a green card, you have a stamp on your passport at least. So an illegal alien in this country can obtain this particular card and with it can obtain all of the other documents they need to become essentially citizens, really, in a way.

It is a stealth amnesty program. American citizens recognize that. When they read it in the newspaper, they know something is wrong. They know something is wrong when a body agrees to give illegal aliens in-State tuition for which they have to pay. They know something is wrong when they hear that their jails are being filled by people who are here illegally and that the costs attributable to that particular phenomenon are enormous. They know something is wrong. They know that when they hear reports about people coming across the border by the hundreds, by the thousands without our permission, we do not know who they are, we do not know why they are coming, surely most of them are coming for relatively benign reasons, to get a better job, seek a better life, that is the reason that compels most people to come to this country, the same reason my grandparents came and perhaps yours, but among them are people who are coming to do very bad things to the United States and we allow this to happen, and they ask me, Why? They ask me all the time. I get all kinds of e-mails and letters and calls into my office and they say, Why, Congressman? Why is this happening? Why is it my Government has so little respect for my citizenship and for the fact I try my best to do things the right way?

This is another letter I received from a lady by the name of Linda Hendricks. She lives in my district. She says, Page 2 of this fax I am sending you is a copy of a Medicaid eligibility form. I want to draw your attention to question number 8. I turn to question number 8 on this form. Is anyone in your household a legal alien, yes or no? Is anyone in your household undocumented? Of course, what that means is are they here illegally, yes or no.

Next question: If yes to either, we will need the following information: If you are undocumented, no paperwork is necessary, and we will not report you to the INS. If you are documented in any way, please provide copies only of the front and back of your card and other INS papers.

Now, this is a form distributed by the Federal Government for a service that is supposed to be for American citizens: Medicaid. This is supposed to be the program that we have constructed to provide medical services to people who are financially unable to provide it for themselves.

She goes on to say, ''Hello, something is really wrong here. Illegals are not being reported and yet receive free medical benefits. There have been many stories in the Denver Post lately about people with serious medical needs that are losing their benefits due to cutbacks. These people are U.S. citizens. As a citizen myself, I believe citizens should have the benefit of medical care before those who do not belong here. I have a revolutionary idea,'' she says, ''quit giving free medical service to people who are here illegally and keep it for U.S. citizens and those who are here legally.

''I recently heard about a man here to work from South Africa who paid $3,000 for his green card, and yet when he got here, he found out that Mexicans are paying $100 for a fake green card. And with those fake green cards come all the benefits.

''No wonder our country no longer has any sovereignty, we are willingly giving it away.''

Madam Speaker, I just cannot fathom, I cannot imagine how these things are not taking a toll on the way people look at their Government. Believe me, these are not unique in any way, these two letters. These are representative of the thousands of letters that I receive almost weekly, and calls and e-mails and that sort of thing. It is happening everywhere. Looking at this makes me think there is a form that you can go to the Web site and find out from the Bureau of Immigration and Customs Enforcement, and it is called a temporary visitor visa, and you can go onto the Web site and pull it up and fill it out yourself if you want to come into the United States.

One question on that visa is are you a terrorist? Do you belong to any terrorist organizations? Have you committed any terrorist acts, yes or no. I do not know who answers yes, but evidently some people do because the next thing underneath it is a little asterisk, and it says do not worry, if you answer yes to this question, it does not mean that you will be denied entrance into the United States.

How can that be true? Well, it happened because a Member of the other body, Mr. KENNEDY, decided that because he had acquaintances that were members of the IRA, Irish Republican Army, and they might be on our terrorist list and they might want to come into the United States, that just being a member of a terrorist organization should not prevent you from coming to the United States, and so that is why we added that.

Well, as they say, people know this, people see this, people understand this, and people are frustrated by it. They are frustrated by the fact that their own Government will look the other way when people come into this country illegally, obtain this matricula consular, open up a bank account, let us say, and when the Treasury Department of the Federal Government promulgates rules saying that banks should be allowed to accept the matricula consular for the purpose of identification, and people look at this and think this is odd, that when you look at the fact that these rules were promulgated under the PATRIOT Act and designed to be rules to tighten up on banking regulations, so that identity theft and money-laundering activities would be minimized. When you realize that was the reason that those regulations were promulgated, they are asking how can it be that you are saying that you can do this? You can use this card given to you by a foreign government for the purpose of opening a bank account? People look at that and think what is going on with my Government.

They may know, I am not sure if many people know this, but they may even have heard that in the Committee on the Judiciary, the Subcommittee on Immigration in testimony there not too long ago, the Justice Department, the FBI, testified that using the matricula consular was absolutely a bad idea, and that people would, in fact, take advantage of it, that we cannot begin to guarantee the validity of the document. The FBI, Homeland Security, testified that we should not accept the matricula consular, that no agency of the Federal Government should accept it, and you have got the Department of the Treasury promulgating rules telling banks it is okay to accept it. People can get confused by that.

I believe it is simply a matter of pure politics, and the mother's milk of politics, of course, campaign contributions from large corporation through their executive officers who package up their contributions, and through banks and other big contributors to both parties, we find it difficult to do the things necessary to protect our own country.

We also, of course, fear the political ramifications of doing something to stop illegal immigration or even minimize illegal immigration. We find that this is a politically embarrassing thing. Even to bring this up on the floor of the House makes people uncomfortable. They would prefer if we did not address this issue because of the political implications.

When we recognize on one side of the aisle here, the Democratic party sees massive immigration, both illegal and legal, as a source of political support, future voters; on our side of the aisle, we see the same thing as a source of cheap labor; the administration sees the same thing as a potential source of voters for them, a wedge issue that they can use in the next campaign, and Members can see why it is difficult to actually get anything done.

That is what we have to tell people when constituents call and ask how can it be that this country has essentially decided to abandon its borders, surrender its sovereignty and attack the concept of citizenship because that is truly what is happening to us. All of the things that I have mentioned here, all of these things that are happening in States and cities and here at the Federal level, cities that are declaring themselves to be sanctuary cities, cities which pass regulations telling the police department not to provide information to the Bureau of Immigration Control and Enforcement or to accept information from them, cities that say they will accept the matricula consular for the provision of services, States that declare that they will give illegal aliens driver's licenses, States that declare that they will provide higher education benefits to people who are here illegally, all of these things combined are an attack on the concept of citizenship because if we have all of these benefits and are here illegally, and if you get a driver's license, you have the keys to the kingdom including the ability to vote under Motor Voter. So you have all of the benefits, including the ability to vote, but you are not a legal resident. What distinguishes you as an illegal resident of the country? What is it, absolutely nothing.

Today Members of this body were confronted by people that came here on a Freedom Ride. I understand buses and this trek started in States all over the Nation. People gathered all over and descended upon the Nation's capital to declare their concern for the plight of illegal immigrants in this country, and they wanted to associate themselves with the freedom marches of the 1960s, the precivil rights days of the United States.

□ 2000

They wanted to associate themselves with the plight of the African American who had suffered, who certainly his heritage was a heritage of slavery and who suffered degradations that certainly could never be countenanced; and so they called themselves the Freedom Ride. Remember, we are talking about slavery, an institution that brought people here against their will, and even after they were freed institutionally by law kept them from being able to achieve certain things and do certain things that citizens of this country were allowed to do, voting, for instance, and going to a restaurant and being served in the same place with a white person and going to the same school as a white person. All these things were being denied to these people who were here legally, whose parents had been here and whose family had been here for generations.

This was a travesty. This is a blight on America. This is a dark part of our history. Yet the people who came here today suggest that they have a common problem.

Today we have been visited, many offices in this body, in the House of Representatives, many Members have been visited by people who were here on what they call a Freedom Ride. They were here to put forward their concerns with regard to what they call the plight of those people who are here as immigrants, but what they really mean is here as illegal immigrants. Because if you are here as an immigrant, a legal immigrant into this country, you have all the protections available to you that any other citizen has. But if you are here illegally, you are oftentimes ill-treated and you are oftentimes taken advantage of by unscrupulous employers. Undeniably true.

So their solution to this problem was to give everybody who is here legal status, to simply give amnesty to all those people who have come here, make them legal residents of the country and then, of course, they have all the protection.

Yes, that is one way to handle it. But I suggest to you that it is the worst way to handle it. And I suggest that the idea, the public policy of giving anyone who has broken the law here a benefit for doing so is bad public policy, that no one should be rewarded for violating the law, and that no matter how compelling your story is about how long you have been here taking advantage of this country and this country's benefits, how long you have worked, that those are not reasons to simply ignore the law.

If we do not like this law, then it is up to us in this body to change it, to repeal it. If we do not believe in borders, then erase them. If we do not believe that people should come into this country with our permission, then stop trying to give it. But as long as that is the law, then we cannot simply ignore the fact that it is the law and give amnesty to everybody who ignores the law.

What sense does that make? The people of this country are asking the question. What sense does that make? And

they are asking us, why is it that my family had to go through years of applications, sometimes thousands and thousands of dollars in expenses to make the trek to this country legally, to wait in a long line, to do everything that is expected of us to come into this country as legal citizens, while at the same time you are considering telling everybody who came here illegally that they have all of the same benefits and all will be forgiven? What message does that send to the millions of people who are waiting to come into this country legally?

It tells them all they are suckers. That is what it says. And that they should, in fact, simply jump to the head of the line, come across the border, sneak into this country, get a visa, come in, overstay your visa, which actually accounts for about 45 or 50 percent of all those people living here illegally. They did not just come across the border from Mexico or from Canada. They actually flew into this country or came here somehow legally on a visa, then simply stayed.

All of those people, it says, did the right thing. They were the smart people. They avoided all the hassle, all the expense and all the respect for the law that we expect from the people who do come here legally.

What sense does this make, they ask, Americans ask? Can you answer this? Can anyone answer this? I cannot. It makes no sense.

Yet there are Members here who are going to produce a bill, who have introduced a bill already, that is, quote, getting legs, as it says around here, the saying goes, it is getting steam up, to give at least 500,000 agricultural workers amnesty under the guise of creating a guest worker program. What they do create is essentially an indentured servitude status for 4 or 5 years before they give them amnesty. This is great. This is wonderful, according to the sponsors of the bill.

And Americans ask, why? What can you be thinking of? How can you possibly be talking about giving amnesty to anybody who has come in? How can you talk about giving jobs to people who are essentially taking jobs from American workers?

Madam Speaker, all we hear of is, well, these are people who are doing jobs Americans won't take. That is, of course, only part of the statement. It is doing jobs Americans will not take for the price we are willing to pay. That is true in many circumstances. But we are also, of course, exporting jobs and bringing in foreign workers under visa categories, H1B and L1.

People ask me why? How come it is that when American high-tech workers are out of work by the millions, which they are, how come we are still bringing in hundreds of thousands of people in the H1B category to take those jobs? How come we are allowing other people, other companies, to bring them in under the L1 category visa and replace American workers with less expensive foreign workers? How come, they say? How come when these people come here many of them are actually trained by the person they are replacing? And in order to get severance pay the person they are replacing is told, you must train this person in your job or else we won't give you severance pay. How come, they ask, is this happening?

Madam Speaker, I cannot explain it. I do not know. I have a guess. My guess is that the high-tech industry contributes an awful lot of money to both parties and to the President and, therefore, we choose a cheap labor policy. That is my guess. Maybe I am wrong, and somebody could certainly dispute it. I am hoping someone will. But in order to dispute my claim, we have to at least have a debate on this issue. But we will not have a debate, because debating this issue makes people uncomfortable.

We are dividing this country up, Madam Speaker, into a lot of camps, victimized groups, groups that continue to hyphenate their own definition, groups that see themselves not as Americans, just as Americans but some subgroups, some alienated groups, some group with a cause, some group with a complaint. As I say, some group that feels victimized.

We are encouraging that, that whole concept of balkanization of America. We are encouraging that because we operate under what we call a cult of multiculturalism. It is a philosophy that permeates American society, permeates our schools, and it tells people that there is no reason for them to actually become part of the American mainstream, that there is nothing really good or worth emulating in American society or western civilization, for that matter. And our schools drop all references to western civilization, except in the most negative way. They drop classes in it.

We tell people that come here from other countries that they should not become part of the American mainstream, that they should keep their own language, that they should keep their own political affiliations with their country of origin and not integrate into the society. We do all kinds of things that separate us, instead of helping to join us together as Americans.

In this body, we allow groups to organize on the basis of race. Amazing as that might sound to Americans, we allow caucuses to develop, to actually be created here on the basis of race. Just yesterday when I said that this was a bad idea and that I am going to introduce a rule in the next session, if I am here, that prohibits any caucus from being established here on the basis of race, I was vilified by many of my colleagues for being both a racist and insensitive and a lot of other things, because we have the Black Caucus and the Hispanic Caucus and the Asian Pacific Caucus.

It is amazing to me that we can have a huge debate in this country over a very famous talk show host, Mr. Limbaugh, who makes an intemperate remark relating to the race of a football player and is chastised roundly and resigns his job, resigns from his position. In all of the media, everything I heard today is there is absolutely no place for this kind of thing, no reason we should ever be using or talking about race when we talk about these football players. There is nothing that connects these two, and we should not ever discuss it.

I certainly agree. I see absolutely no connection myself. It was probably a very stupid thing to do and to say.

But at the same day that that story breaks, I am roundly criticized for saying that we should not have a caucus in this House based on race and that all of the rhetoric that emanates out of this body about a colorblind society and all of the admonitions and all of the laws that we pass to ensure a colorblind society are essentially ignored because we allow for people to organize here on the basis of race. Nobody says a thing. I assure you they would say something if somebody tried to organize a, quote, White Caucus or Caucasian Caucus, and I would certainly be one of those people saying, absolutely not.

But what is the difference? What is the difference?

These are uncomfortable things, I understand that. People get very, very uptight and sort of anxious when you bring them up. But the point I tried to make here is that this is just another example of us dividing ourselves up. And when massive immigration combines with this philosophy of the sort of cult of multiculturalism that permeates our society, it can only be bad for America. There is nothing positive I can think of about this.

□ 2015

We can extol the virtues of diversity. I am a full-blooded Italian American. I love my heritage that is that part of me that one would say is Italian, but if someone were to ask me what is my heritage? What is my heritage? What is my country? I would immediately answer, and I would have answered this when I was a little child, it is the United States of America. That is what I thought of as my country, my history, and my heritage. I have never connected politically nor have my parents ever considered allowing me to connect politically and culturally and philosophically with a country other than the United States. It was an alien notion, or idea, and yet we are doing this to ourselves.

Ms. JACKSON-LEE of Texas. Madam Speaker, will the distinguished gentleman yield?

Mr. TANCREDO. I yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much and we serve on the House Committee on the Judiciary together.

Mr. TANCREDO. I wish I did serve on the House Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. We have worked on issues together dealing with these questions and the gentleman is right; I stand corrected. And I think we note that we do have differences of opinion, but I would say to the gentleman that I would much rather have the opportunity for us to address these issues any way that I think draws most of Americans' interest and concern.

The gentleman just made it very clear that his heritage is one of immigrants, or his family came from a place to America for opportunities. I happen to have a heritage of immigrant grandparents who came here from the Caribbean. I would not be in the United States Congress but for their coming to seek a greater opportunity. The gentleman mentioned the mass numbers of individuals here today who came up with the Immigration Freedom Riders. But I what I would suggest to the gentleman is that rather than the broad brush, he noted that there are people who are here in this country who may be undocumented, which seem to be the crux of the crime, who really are attempting to seek legalization. They really want to become documented, and the numbers, unfortunately, suggest that they have been here for over a period of time.

There is a distinction, I think, between securing our borders. I am on the Select Committee on Homeland Security. I will be leaving with the Select Committee on Homeland Security to go to the northern border. I live on the southern border in Texas. And I think we should distinguish those issues that Americans can draw around with the heartfelt desire of undocumented individuals who have been trying to secure legalization, and I would ask the distinguished gentleman that when he comes to the floor if he would consider the fact that there is a degree of compassion. I will probably never get him to agree with me that those undocumented should have at least the ability to access legalization, because I think it is going to be very difficult, realistically, to get these people out of restaurants and hotels and homes and construction sites; and I will say to him because I happen to be, I think it is very clear, coming from a minority group of this Nation but proudly here standing as an American, and there are issues with American workers and there are issues with minorities that are here.

There are a lot of issues that we could be divisive about, but we should not be divisive about the hopes and dreams of the thousands of people that I run into every day when I see that, over a period of time, these immigrants workers who came here on the Freedom Ride, the tears in their eyes. I do not think the gentleman is divided on that. I really do not think so. Even if he will come back at me, when I yield back, even to say, no, I disagree, I do not think we are divided on that. I think if a group of them sat down with him, he might find common ground because I do not believe any truck, any plane, any bus is going to haul out 8 million. And I leave the gentleman on this, before I yield back: I would feel much safer if these undocumented individuals, and I do not see how we are going to get them out, would be legalized, paying taxes, putting into the Social Security, and being documented so that this Nation knew where everybody who meant to do good was so that we can find the guys and ladies that were here to do us harm.

I think that is the distinction I would like to make and hope that maybe we will have an opportunity, whether it is one on one, whether it is as we proceed with hearings and debate on the floor of the House, to really talk about the concerns that I think the American people want us to address with a real immigration policy that addresses the concerns of all of us. And I thank the gentleman for his kindness in his yielding.

Mr. TANCREDO. Madam Speaker, I thank the gentlewoman for coming and expressing those views. I must say that I respect the gentlewoman's opinion immensely; and as a matter of fact, they did come to my office today, and I enjoyed it tremendously. The discussion we had with the people who came to my office, there were five, and we talked about this very issue. And I kept saying to them the one thing I wish they would just help me understand, and I say this to the gentlewoman, how do I explain it? How do I explain our willingness to do this, to provide amnesty for people who are here illegally even though they have? As the gentlewoman says, and I think absolutely accurately, that for the most part 90 percent of them are here doing honest labor and doing it under difficult conditions and have done it for a long time, all that is true.

But there are millions of people seeking that exact same opportunity, and they are all doing it the right way. They are waiting out there. All over the world they are waiting to come here for that same exact opportunity, and they are filling out the information, and they are sending in their visa requests, and they are paying fees to lawyers. And they are doing all kinds of things like that. And millions have come that way and think to themselves this is not fair. This is not fair that I had to go through this or that I am being put through this, but yet the people who have come here illegally have gotten this opportunity. I understand the gentlewoman's concern for these people and for those who are seeking this legalized route, but every time we do this, and we have done this, this is not unique, in 1996 we provided amnesty. What did it solve? It only created a system that increased the flow of illegal aliens into this country.

If we will secure this border, and I believe we can do that, the gentlewoman and I may argue about whether or not this is feasible. I believe it is. I believe the technology is there. I have seen it on the northern border, by the way, where I go to. I have seen it in operation. We can use technology including unmanned aerial vehicles and radar and a variety of other technologies to help secure the border. If we can secure the border and create a guest worker program that then allows people to come into this country in a legal process that protects their rights so they are not getting in the back of trailers and getting suffocated, so that they are not coming across that border and dying in the deserts, so that they can do it in a legal manner, I am absolutely totally supportive of it. But I cannot possibly support it along with amnesty. There is no reason that we have to add amnesty to any sort of guest worker program.

Ms. JACKSON-LEE of Texas. Madam Speaker, will the gentleman yield?

Mr. TANCREDO. I yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. Might I give him a response? I think the response is because the American people, one, are compassionate; but they are practical. And I think this is part of the answer. The other part of the answer is why do we want to do it? Because a young Guatemalan came to this country illegally, and he lost his life fighting for us in Iraq.

I think if we tell the story of immigrants, and I do not like the word amnesty. It was not part of my understanding of immigration law. I do not like that word because I think one thing about Americans, they believe in hard work and they believe that if they are here working hard and if they are here not involved in criminal activity, they can understand that maybe there should be a reward. So I do not like ''amnesty.'' I have never bought into ''amnesty.'' I like this concept called earned access to legalization, and I do not even suggest, Madam Speaker, that it would be, if you will, a question where it is a gift. And you added guest worker. That is a separate thing because the practical part of it is, as I think most Americans know, I do not know how we get 8 million people out of the country. And I do not know how we criminalize 8 million people. So what I am saying is have they been here 3 years? Have they not been involved in any criminal activity? Can they document that? Have they been paying taxes, sales taxes, et cetera? Have they had these three things? Can they then apply?

The gentleman makes a point there is a list. One of the things we all agree with is that we have suffered under the burden of an agency that has not worked. Even the gentleman probably has a long list of immigration issues, business people who say I have sent in all the papers, and I cannot get my employee over here to work with a green card. But what I am saying is I think Americans are practical and I do think they are compassionate, and I think they understand some of the things

that the gentleman is saying. Obviously, we vigorously disagree. But I am looking for places where we can agree. I do not like the word ''amnesty.'' I do not use the word ''amnesty.'' I like earning it. And I like the fact that there is a deciding body now in power with a whole bunch of new rules. I am talking about the new bureau on immigration. So they can actually say no to these people who will come in and they say, You get it; you do not. I am sure we will get complaints on that, but it makes a difference.

Mr. TANCREDO. Madam Speaker, would the gentlewoman agree with me that before any kind of guest worker program is put in place, it is imperative that we secure the border? Because if we do not secure the border, having a guest worker program legalizing 8 to 10 million people who are here, and creating this guest worker process is essentially meaningless. Because no matter what we do, we will say here are the rules under which they can come into the country under the new program and they have to do X, Y, and Z, and the employer has to follow these. Of course, the minute we constrain it that way, we are saying if they, however, avoid the law, if they can come in illegally, they will ignore it. The employer will ignore it. People coming in will ignore it because there is an easier way to do it, unless we secure the border.

So if the gentlewoman is looking for a place to agree, then I would ask her if she would agree with me that we have to, number one, secure the border, whatever that takes, and we could argue about how that is to occur, but come to a position where we are not looking at this 800,000 people a year coming in. We all know where it is happening. We see it. We reap the whirlwind with it. If we can agree with that, then I will be happy to discuss the possibility about what comes next in terms of a guest worker program.

I yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me say to the distinguished gentleman, a guest worker program, those of us who work from the legislative perspective, and as the gentleman well knows, I serve as the ranking member on the Immigration, Border Security, and Claims Subcommittee. The guest worker program we sort of tie to the temporary worker program, and I agree with the gentleman. An earned access would be individuals who work in many other places and would then ultimately seek to have legal permanent status. But I think we are both moving in the same direction, and here is what I would say to his question. I am from Texas; so we have generally had very cordial relationships or relations with our closest neighbor, and that is Mexico. But I think we can take it to the next step when we talk about securing the border. I, frankly, believe Mexico wants the border secured. We want the border secured. But the reason these people come is because of utter poverty.

This is a time, my distinguished friend, if we can work with Mexico to begin to work on that economic base that then draws people home, the woman from California (Ms. SOLIS), and I will be joining her, I believe, will be going to look at the worst poverty that one can imagine. So I would say to the gentleman, I think securing the border in a way that is responsible respects the fact that Mexico is an ally just for the fact that everybody has a sovereign right to do so; but as we do it, let us do it by fixing some of the problems that are broken in terms of the economy over there, in terms of these 8 million that are here, in terms of creating at least a pathway.

Guest worker is one pathway; earned access is another. But I do not think we can quarrel about securing the border, and I would hope that my good friends in the immigrant advocacy area know that that is not a situation where it is condemning immigration. It is suggesting that we all have to work toward balancing the security of our respective nations. But I think if we worked on the economy that draws people out of the deepness of Mexico just to be able to live, we could understand their plight and other places in South America.

And I would just close on this and yield back to the gentleman. And I simply say if we had an equitable immigration policy, if we did for the Haitians what we do for Cubans, if we did for the Africans what we do for others, if we say that immigration includes the Irish or the English and then we got a policy that worked, we might even find ourselves somewhere near thinking that we have a solution.

□ 2030

But I thank the gentleman for yielding to me. The gentleman knows my passion. The gentleman knows my sense of balance and my absolute commitment to the idea that those who come now deserve our respect and admiration because they have come to contribute, they have come to serve in our military, and they have come to get our support.

Mr. TANCREDO. Madam Speaker, I thank the gentlewoman. I absolutely respect every single person. I understand entirely why these people come. I would be doing exactly the same thing. My grandparents did exactly the same thing. It is not the individual that I complain about, it is our own government's policy, and I ask us to look seriously at changing it for all Americans.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF SENATE

The SPEAKER pro tempore (Mrs. MILLER of Michigan) laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 71) providing for a conditional adjournment or recess of the Senate.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, October 3, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Tuesday, October 14, 2003, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

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

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

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

Mrs. BLACKBURN, for 5 minutes, today.

Mr. LEACH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, October 7 and 8.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1925. An act to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

H.R. 2826. An act to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the ''Roberto Clemente Walker Post Office Building''.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

ADJOURNMENT

Mr. TANCREDO. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 3, 2003, at 10 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, October 2, 2003.

HON. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1383(b)), I am transmitting on behalf of the Board of Directors the enclosed notice for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Notice of Proposed Rulemaking—Extension of Period for Comment.

A Notice of Proposed Rulemaking (NPR) for the proposed procedural regulations was published in the Congressional Record dated September 4, 2003. This notice is to inform interested parties that the Board of Directors of the Office of Compliance has extended the period for public comment on the NPR until October 20, 2003. Any questions about this notice should be directed to the Office of Compliance, LA 200, John Adams Building, Washington, DC 20540–1999; phone 202/724–9250; fax 202/426–1913.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4549. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Reinstatement of the Continuing Assessment Rate [Docket No. FV03-948-2 FR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4550. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Dairy Promotion and Research Program; Amendment to the Order [Docket No. DA-03-06] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4551. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Extension and Modification of the Exemption for Shipments of Tree Run Citrus [Docket No. FV03-905-1 IFR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4552. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV03-905-3 IFR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4553. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapfruit; Removing All Seeded Grapefruit Regulations, Relaxation of Grade Requirements for Valencia and Other Late Type Oranges, and Removing Quality and Size Regulations on Imported Seeded Grapefruit [Docket No. FV03-905-2-IFR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4554. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Increased Assessment Rate [Docket No. FV03-948-3 FR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4555. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Changes in Reporting Requirements [Docket No. FV03-993-1 FIR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4556. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packaged in Riverside County, CA; Decreased Assessment Rate [Docket No. FV03-987-1 FR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4557. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increased Assessment Rate [Docket No. FV03-905-4 FR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4558. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Increased Assessment Rates for Specified Marketing Orders [Docket No. FV03-922-1 FR] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4559. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Earl B. Hailston, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4560. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John M. Le Moyne, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4561. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Removal, Suspension, and Debarment of Accountants From Performing Audit Services (RIN: 3064-AC57); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 03-19] (RIN: 1557-AC10); Board of Governors of the Federal Reserve System [Docket No. R-1139]; Department of the Treasury, Office of Thrift Supervision [No. 2003-33] (RIN: 1550-AB53) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4562. A letter from the Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting the Department's final rule — Emergency Evacuations (RIN: 1219-0137) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4563. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers [Docket No. EE-RM/TP-99-500] (RIN: 1904-AB10) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4564. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Okeechobee, Florida) [MB Docket No. 03-89; RM-10689] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4565. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Czech Republic for defense articles and services (Transmittal No. 03-38), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4566. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1,000,000 or more as of 30 June 2003, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

4567. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 19-03 which informs you of our intent to sign a Memorandum of Understanding (MOU) concerning Special Operations Forces Equipment Capability between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Greece (Transmittal No. DTC 102-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4569. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Taiwan (Transmittal No. DDTC 088-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4570. A letter from the Assistant Sectretary of Legislative Affairs, Department of State, transmitting transmitting the 2002 and 2003 reports on CFE Compliance pursuant to the resolution of advice and consent to ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, (''the CFE Flank Document''); to the Committee on International Relations.

4571. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4572. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4573. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4574. A letter from the Secretary, Department of Energy, transmitting the Department of Energy's 2003 Strategic Plan entitled, ''Protecting National, Energy, and Economic Security with Advanced Science and Technology and Ensuring Environmental Cleanup''; to the Committee on Government Reform.

4575. A letter from the Chairman, International Trade Commission, transmitting the fifth edition of the United States International Trade Commission's Strategic Plan, which covers the period from fiscal year 2003 through fiscal year 2008, pursuant to Public Law 103—62; to the Committee on Government Reform.

4576. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Strategic Plan of the National Archives and Records Administration, revised 2003; to the Committee on Government Reform.

4577. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4578. A letter from the Postmaster General, CEO, United States Postal Service, transmitting two reports entitled ''Postal Service Proposal: Military Service Payments Requirements,'' and ''Postal Service Proposal: Use of Savings for Fiscal Years after 2005,'' pursuant to Public Law 108—18; to the Committee on Government Reform.

4579. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations''pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) of 2001; to the Committee on the Judiciary.

4580. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Richfield Municipal Airport, Richfield, UT [Airspace Docket No. 01-ANM-16] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4581. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; South Bend, IN [Docket No. FAA-2003-14693; Airspace Docket No. 03-AGL-03] received September 30, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4582. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; West Union, OH [Docket No. FAA-2003-14906; Airspace Docket No. 03-AGL-05] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4583. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cheboygan, MI [Docket No. FAA-2003-14905; Airspace Docket No. 03-AGL-04] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4584. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waimea-Kohala, HI [Docket No. FAA-2003-15628; Airspace Docket No. 03-AWP-10] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4585. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Removal of Class E Airspace; Clifton, TN [Docket No. FAA-2003-16122; Airspace Docket No. 03-ASO-17] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4586. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524G2, -524G2-T, -524G3, -524G3-T, -524H, -524H-T, -524H2, and ''524H2-T Series, and Models RB211 Trent 768-60, 772-60, and 772B-60 Turbofan Engines; Correction [Docket No. 2003-NE-20-AD; Amendement 39-13242; AD2003-14-23] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4587. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes, and Airbus Model A310 Series Airplanes [Docket No. 2003-NM-206-AD; Amendment 39-13319; AD 2003-20-01] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4588. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 60 Airplanes [Docket No. 200-NM-408-AD; Amendment 39-13314; AD 2003-19-11] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4589. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155B Helicopters [Docket No. 2003-SW-22-AD; Amendment 39-13315; AD 2003-19-12] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4590. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30389; Amdt. No. 444] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4591. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30387; Amdt. No. 3075] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4592. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fairchild Aircraft, Inc., SA226 Series and SA227 Series Airplanes [Docket No, 2000-CE-45-AD; Amendment 39-13313; AD 2003-19-101] (RIN 2120 AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4593. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 365 N3 and EC 155B Helicopters [Docket No. 2001-SW-61-AD; Amendment 39-13303; AD 2003-19-01] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4594. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42-500 and ATR72 Series Airplanes [Docket No. 2002-NM-169-AD; Amendment 39-13284; AD 2003-17-09] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4595. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus A330 and A340 Series Airplanes [Docket No. 2001-NM-187-AD; Amendment 39-13293; AD 2003-18-02] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4596. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eagle Aircraft (Malaysia) Sdn. Bhd. Model 150B Airplanes [Docket No. 2000-CE-23-AD; Amendment 39-13310; AD 2003-19-07] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4597. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2003-NM-137-AD; Amendments 39-13304; AD 2003-19-02] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4598. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F (KC-10A and KDC-10), -40, and-40F Airplanes; and Model MD-10-10F and -30F Airplanes [Docket No. 2002-NM-164-AD; Amendment 39-13308; AD 2003-19-05] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4599. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 airspace at Afton Municipal Airport, Afton, WY [Airspace Docket No. FAA-02-ANM-07] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4600. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marshall, AK [Docket No. FAA-2002-13971; Airspace Docket No. 02-AAL-08] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4601. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace, Amendment of Class E5 Airspace; Waycross, GA [Docket No. FAA-2003-14707; Airspace Docket No. 03-ASO-3] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4602. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Eureka, KS [Docket No. FAA-2003-14847; Airspace Docket No. 03-ACE-32] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4603. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2002-NM-60-AD; Amendment 39-13306; AD 2003-19-03] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4604. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Restricted Area 4809, Tonopah, NV [Docket No. FAA-2003-15478; Airspace Docket No. 03-AWP-6] (RIN: 2120-AA66) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4605. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Legal Descriptions of Multiple Federal Airways in the Vicinity of Farmington, NM [Docket No. FAA-2002-13013; Airspace Docket No. 02-ANM-10] (RIN: 2120-AA66) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4606. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-179-AD; Amendment 39-13305; AD 2003-09-04 R1] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4607. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes [Docket No. 2001-NM-176-AD; Amendment 39-13307; AD 2003-19-04] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4608. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2001-NM-324-AD; Amendment 39-1311; AD 2003-19-08] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; Elizabeth City, NC; Correction [Docket No. FAA-2003-14673; Airspace Docket No. 03-ASO-2] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Beatrice, NE [Docket No. FAA-2003-15461; Airspace Docket No. 03-ACE-59] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kenton, OH; Revocation of Class E Airspace; Bellefontaine, OH [Docket No. FAA-2003-14644; Airspace Docket No. 03-AGL-01] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sac City, IA [Docket No. FAA-2003-15079; Airspace Docket No. 03-ACE-47] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Red Oak, IA [Docket No. FAA-2003-15078; Airspace Docket No. 03-ACE-46] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4614. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pocahontas, IA [Docket No. FAA-2003-15077; Airspace Docket No. 03-ACE-45] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sibley, IA [Docket No. FAA-2003-15080; Airspace Docket No. 03-ACE-48] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ambler, AK [Docket No. FAA-2003-14608; Airspace Docket No. 03-AAL-02] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Aurora, MO [Docket No. FAA-2003-15460; Airspace Docket No. 03-ACE-58] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Webster City, IA [Docket No. FAA-2003-15458; Airspace Docket No. 03-ACE-56] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; West Union, IA [Docket No. FAA-2003-15459; Airspace Docket No. 03-ACE-57] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waterloo, IA [Docket No. FAA-2003-15457; Airspace Docket No. 03-ACE-55] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Tuscaloosa, AL; Correction [Docket No. FAA-2003-15360; Airspace Docket No. 03-ASO-7] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4622. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-Series Airplanes [Docket No. 2001-NM-342-AD; Amendment 39-13312; AD 2003-19-09] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4623. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines; Correction [Docket No. 94-ANE-08-AD; Amendment 39-13256; AD 2003-16-03] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4624. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arrius 2B1, 2 B1A, 2 B1A 1, and 2K1 Turboshaft Engines [Docket No. 2003-NE-05-AD; Amendment 39-13309; AD 2003-19-06] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4625. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001-NM-322-AD; Amendment 39-13221; AD 2003-14-02] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4626. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-V Series Airplanes [Docket No. 2003-NM-190-AD; Amendment 39-13302; AD 2003-18-11] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4627. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No. 2001-NM-240-AD; Amendment 39-

13301; AD 2003-18-10] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4628. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Series Airplanes Powered by Pratt & Whitney Engines [Docket No. 2001-NM-370-AD; Amendment 39-13296; AD 2003-18-05] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4629. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2002-NM-179-AD; Amendment 39-13299; AD 2003-18-08] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4630. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-131 and -132; A320-231, -232, and -233; and A321-131 and -231 Series Airplanes [Docket No. 2000-NM-411-AD; Amendment 39-13297; AD 2003-18-06] (RIN 2120-AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4631. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Federal Airways V-13 and V-407; Harlingen, TX [Docket No. FAA 2003-15061; Airspace Docket No. ASD 03-ASW-1] (RIN 2120-AA66) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4632. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sullivan, MO [Docket No. FAA-2003-15721; Airspace Docket No. 03-ACE-63] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4633. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; St. Joseph, MO [Docket No. FAA-2003-16026; Airspace Docket No. 03-ACE-70] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4634. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Aurora, MO [Docket No. FAA-2003-15460; Airspace Docket No. 03-ACE-58] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4635. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Houston Class B Airspace; TX [Docket No. FAA-2003-14402; Airspace Docket No. 01-AWA-4] (RIN 2120-AA66) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4636. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Class E Airspace; Wichita Mid-Continent Airport, KS [Docket No. FAA-2003-15454; Airspace Docket No. 03-ACE-52] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4637. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sioux Center, IA [Docket No. FAA-2003-15455; Airspace Docket No. 03-ACE-53] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4638. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Beatrice, NE [Docket No. FAA-2003-15461; Airspace Docket No. 03-ACE-59] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4639. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Elkhart, KS [Docket No. FAA-2003-15453; Airspace Docket No. 03-ACE-51] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4640. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Vinton, IA [Docket No. FAA-2003-15456; Airspace Docket No. 03-ACE-54] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4641. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waimea-Kohala Airport, HI [Docket No. FAA-2003-15628; Airspace Docket No. 03-AWP-10] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4642. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace at Richfield Municipal Airport, Richfield, UT [Airspace Docket No. FAA-01-ANM-16] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4643. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Jet Routes 618 and 623, and Revocation of Jet Routes 600 and 601; AK [Docket No. FAA-2003-15978; Airspace Docket No. 03-AAL-14] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4644. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; West Union, IA [Docket No. FAA-2003-15459; Airspace Docket No. 03-ACE-57] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4645. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Webster City, IA [Docket No. FAA-2003-15458; Airspace Docket No 03-ACE-56] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4646. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waterloo, IA [Docket No. FAA-2003-15457; Airspace Docket No. 02-ACE-55] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4647. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Transportation of Household Goods; Consumer Protection Regulations; delay of compliance date [Docket No. FMCSA-97-2979] (RIN 2126-AA32) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4648. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Hours of Service of Drivers [Docket No. FMCSA-97-2350] (RIN 2126-AA23) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4649. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications [Docket No. RSPA-03-16099 (HM-189V)] (RIN 2137-AD85) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4650. A letter from the Regulations Coordinator, ACF, Department of Health and Human Services, transmitting the Department's final rule — Charitable Choice Provisions Applicable to the Temporary Assistance for Needy Families Program (RIN: 0970-AC12) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4651. A letter from the Chair, Office of Compliance, transmitting notice of proposed procedural rulemaking--Extension of Period for Comment--under Section 303 of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C. 1383(b); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNTER: Committee on Armed Services. House Resolution 364. Resolution of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled ''Operation Iraqi Freedom Strategic Lessons Learned'' and documents in his possession on the reconstruction and security of post-war Iraq; adversely (Rept. 108–289 Pt. 2). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 408. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; with an amendment (Rept. 108–292). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 708. A bill to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes (Rept. 108–293). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1092. A bill to authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada; with amendments (Rept. 108–294). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1442. A bill to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial; with an amendment (Rept. 108–295). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 254. An act to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes (Rept. 108–296). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHAYS (for himself, Mrs. MALONEY, Mr. TURNER of Ohio, Mr. TIERNEY, Mr. MURPHY, and Mr. RUPPERSBERGER):

H.R. 3227. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to establish clearly defined standards and guidelines for Federal, State, and local government emergency preparedness and response capability, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself, Mr. WAMP, Mr. BURTON of Indiana, Mr. GOODE, Mr. SENSENBRENNER, Mr. MICHAUD, Mr. TAYLOR of Mississippi, Mr. HINCHEY, Mr. CLAY, Mr. PALLONE, Mr. STRICKLAND, Mr. PASCRELL, Mr. KUCINICH, Mr. LIPINSKI, Mr. FILNER, Mr. DEFAZIO, Mr. TAYLOR of North Carolina, Mr. VISCLOSKY, Mr. GREEN of Texas, Mr. EVANS, Mr. RYAN of Ohio, Mr. PETERSON of Minnesota, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. COSTELLO, Mr. ABERCROMBIE, Mr. GRIJALVA, Ms. SLAUGHTER, Mr. COBLE, Mr. SMITH of New Jersey, Mr. TOWNS, and Mr. BACA):

H.R. 3228. A bill to withdraw normal trade relations treatment from the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H.R. 3229. A bill to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record, and for other purposes; to the Committee on House Administration.

By Mr. BRADLEY of New Hampshire:

H.R. 3230. A bill to amend the Internal Revenue Code of 1986 to allow a lump sum contribution to Coverdell education savings accounts whenever the contribution limit is increased; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. WAXMAN):

H.R. 3231. A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mr. BOEHNER, Mr. GEORGE MILLER of California, and Ms. WOOLSEY):

H.R. 3232. A bill to reauthorize certain school lunch and child nutrition programs for fiscal year 2004; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ:

H.R. 3233. A bill to require financial institutions and financial service providers to notify customers of the unauthorized use of personal information, to amend the Fair Credit Reporting Act to require fraud alerts to be included in consumer credit files in such cases, and to provide customers with enhanced access to credit reports in such cases; to the Committee on Financial Services.

By Mr. HINCHEY (for himself, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BOEHLERT, Mr. CROWLEY, Mr. ENGEL, Mr. FOSSELLA, Mr. HOUGHTON, Mr. ISRAEL, Mrs. KELLY, Mr. KING of New York, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER):

H.R. 3234. A bill to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building''; to the Committee on Government Reform.

By Mr. HUNTER:

H.R. 3235. A bill to amend title 23, United States Code, to withhold highway funds from States that issue drivers' licenses to illegal aliens; to the Committee on Transportation and Infrastructure.

By Mr. KLECZKA (for himself and Mr. ETHERIDGE):

H.R. 3236. A bill to prohibit price gouging of products and services that are widely needed during a designated disaster; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. DINGELL, Mr. TOM DAVIS of Virginia, Mr. CONYERS, Mr. BEREUTER, Mr. STUPAK, Mr. SHAYS, Mr. FERGUSON, Mr. FORD, Mr. KING of New York, Mr. LANGEVIN, Mr. SHAW, Mr. PASCRELL, Mr. CUNNINGHAM, Mrs. TAUSCHER, Mr. FOLEY, Mr. SOUDER, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. FROST, Ms. NORTON, Mr. BERMAN, Mr. NADLER, Mr. SCOTT of Virginia, Mr. WATT, Ms. LOFGREN, Mrs. CAPPS, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. ISRAEL, Mr. MEEHAN, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Ms. BALDWIN, Mr. ANDREWS, Mr. EMANUEL, Mr. BISHOP of New York, Mr. SCHIFF, and Mr. CASE):

H.R. 3237. A bill to improve the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEK of Florida:

H.R. 3238. A bill to amend the Haitian Refugee Immigration Fairness Act of 1998; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself, Mr. RODRIGUEZ, and Mr. REYES):

H.R. 3239. A bill to amend title 38, United States Code, to delay the termination of the Advisory Committee on Minority Veterans; to the Committee on Veterans' Affairs.

By Mr. NEUGEBAUER:

H.R. 3240. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate the La Entrada al Pacifico Corridor in the State of Texas as a high priority corridor on the National Highway System; to the Committee on Transportation and Infrastructure.

By Mr. OSBORNE:

H.R. 3241. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas; to the Committee on Resources.

By Mr. OSE (for himself, Mr. DOOLEY of California, Mr. ACEVEDO-VILA, Mr. ENGLISH, Mr. FILNER, Mrs. KELLY, Mr. KOLBE, Mr. LARSEN of Washington, Mr. MCHUGH, Mr. NUNES, Mr. RADANOVICH, Mr. SCOTT of Georgia, Mr. THOMPSON of California, Mr. GALLEGLY, Mr. CARDOZA, Mr. DEFAZIO, Mr. KINGSTON, Mr. WU, Mr. HINOJOSA, and Mr. FARR):

H.R. 3242. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. NORWOOD, Mr. BACHUS, Mr. KENNEDY of Rhode Island, Mr. STARK, Mr. PICKERING, Mr. CASTLE, and Mrs. JOHNSON of Connecticut):

H.R. 3243. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. CARDIN, Ms. PELOSI, Mr. HOYER, Mr. GEORGE MILLER of California, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, and Mr. NEAL of Massachusetts):

H.R. 3244. A bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. GORDON, and Mr. HALL):

H.R. 3245. A bill to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commerce, and for other purposes; to the Committee on Science.

By Mr. RYAN of Wisconsin (for himself, Mr. POMEROY, Mr. CAMP, Mr. CRANE, Ms. DUNN, Mr. ENGLISH, Mr. FOLEY, Mr. HERGER, Mr. HULSHOF, Mr. LEWIS of Georgia, Mr. RAMSTAD, Mr. SANDLIN, Mr. ISAKSON, Mr. TURNER of Texas, Mr. TERRY, Mr. TOOMEY, Mr. BACHUS, Mr. GOODE, Mr. WICKER, Mr. WU, Mr. SHUSTER, Mr. GREEN of Wisconsin, Mr. WELDON of Florida, Mr. WALDEN of Oregon, Mr. OTTER, Mr. BONNER, Mr. STUPAK, Mr. GEORGE MILLER of California, Mr. SOUDER, Mr. PITTS, Mr. TAYLOR of North Carolina, Mr. QUINN, Mr. RYUN of Kansas,

Mr. BURTON of Indiana, Mr. NEUGEBAUER, Mr. MCHUGH, Mr. UPTON, Mr. CANNON, Mr. SHAYS, Mr. LUCAS of Kentucky, Mr. VITTER, Mr. BERRY, Mr. TIBERI, Mrs. MYRICK, Mr. STENHOLM, Mr. BURR, Mr. PAUL, Mr. PEARCE, Mr. SIMPSON, Mr. SIMMONS, Mr. ISTOOK, Ms. VELAZQUEZ, Mr. DAVIS of Tennessee, Mr. MORAN of Kansas, Mr. ROGERS of Kentucky, Mr. EHLERS, Mr. PETRI, Mr. BOEHNER, Mr. GERLACH, Mr. MANZULLO, Mr. FLAKE, Mr. TOM DAVIS of Virginia, Ms. HART, Mr. DEMINT, Mr. SULLIVAN, Mr. RENZI, Mr. ROGERS of Michigan, Mr. LAHOOD, Mr. ROSS, Mr. FORBES, Mr. CARTER, Mr. WILSON of South Carolina, Mr. OXLEY, Mr. GOODLATTE, Mr. BASS, Mrs. JONES of Ohio, Mr. PUTNAM, Mr. MICHAUD, Mr. GREEN of Texas, Mr. SESSIONS, and Mr. AKIN):

H.R. 3246. A bill to amend the Internal Revenue Code of 1986 to provide that certain mobile machinery not be treated as highway vehicles; to the Committee on Ways and Means.

By Mr. TANCREDO (for himself, Mr. MCINNIS, and Mr. UDALL of Colorado):

H.R. 3247. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico:

H.R. 3248. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to make available additional funds to increase access to the arts through the support of education; to the Committee on Education and the Workforce.

By Mr. HAYES (for himself and Mr. MCHUGH):

H. Con. Res. 291. Concurrent resolution expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993; to the Committee on Armed Services.

By Mrs. NAPOLITANO:

H. Con. Res. 292. Concurrent resolution expressing the sense of Congress that Congress should adopt and implement the goals and recommendations provided by the President's New Freedom Commission on Mental Health through legislation or other appropriate action to help ensure affordable, accessible, and high quality mental health care for all Americans; to the Committee on Energy and Commerce.

By Mr. CUNNINGHAM:

H. Con. Res. 293. Concurrent resolution supporting the goals and ideals of God Bless America Week; to the Committee on the Judiciary.

By Mr. DEUTSCH:

H. Con. Res. 294. Concurrent resolution addressing the decision by OPEC countries to decrease oil production; to the Committee on International Relations.

By Mr. DAVIS of Alabama (for himself and Mr. BACHUS):

H. Res. 389. A resolution honoring the young victims of the Sixteenth Street Baptist Church bombing, recognizing the historical significance of the tragic event, and commending the efforts of law enforcement personnel to bring the perpetrators of this crime to justice on the occasion of its 40th anniversary; to the Committee on the Judiciary.

By Mr. BEREUTER (for himself, Mr. LANTOS, Mr. WEXLER, and Mrs. JO ANN DAVIS of Virginia):

H. Res. 390. A resolution recognizing the continued importance of the transatlantic relationship and promoting stronger relations with Europe by reaffirming the need for a continued and meaningful dialogue between the United States and Europe; to the Committee on International Relations.

By Mr. JOHNSON of Illinois:

H. Res. 391. A resolution congratulating the University of Illinois Fighting Illini men's tennis team for its successful season; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BARTLETT of Maryland.
H.R. 135: Mr. GARY G. MILLER of California.
H.R. 284: Mr. EMANUEL.
H.R. 339: Mrs. CAPITO.
H.R. 369: Mr. DAVIS of Tennessee.
H.R. 371: Mr. MCHUGH, Mr. WELDON of Pennsylvania, Mr. WALSH, and Mr. KING of New York.
H.R. 375: Mr. JEFFERSON and Mr. THOMPSON of Mississippi.
H.R. 434: Mr. KINGSTON, Mr. HYDE, Mr. GINGREY, Mr. WAMP, and Mr. CAMP.
H.R. 466: Mr. GARY G. MILLER of California.
H.R. 486: Mr. DEMINT, Mr. HOSTETTLER, and Mr. SULLIVAN.
H.R. 548: Mr. BURTON of Indiana and Mr. GARY G. MILLER of California.
H.R. 583: Mr. WELLER.
H.R. 687: Mr. JOHNSON of Illinois, Mr. CRANE, and Mr. FOLEY.
H.R. 693: Mr. HOLDEN, Mr. MARSHALL, Mr. MCCOTTER, Mr. CONYERS, Mr. HINCHEY, and Mr. WICKER.
H.R. 742: Mr. JONES of North Carolina.
H.R. 751: Mr. TANCREDO.
H.R. 791: Mr. MARSHALL.
H.R. 802: Mr. LOFGREN.
H.R. 808: Mr. FOLEY.
H.R. 816: Mr. SCOTT of Georgia.
H.R. 839: Mr. THOMPSON of Mississippi, Mr. WELLER, and Mr. CAPUANO.
H.R. 857: Mr. KIRK.
H.R. 870: Mr. ISTOOK, Mr. BAIRD, and Ms. CARSON of Indiana.
H.R. 919: Mr. SWEENEY and Mr. DOOLEY of California.
H.R. 920: Mr. LIPINSKI.
H.R. 953: Mr. GINGREY.
H.R. 973: Mr. BISHOP of New York, Mrs. MCCARTHY of New York, and Mr. LEWIS of Kentucky.
H.R. 990: Mr. SESSIONS, Mr. REHBERG, Mr. PEARCE, and Mr. HENSARLING.
H.R. 995: Mr. GREEN of Texas.
H.R. 1005: Mr. SIMPSON.
H.R. 1068: Mr. BLUMENAUER, Mr. MANZULLO, and Mr. QUINN.
H.R. 1117: Mr. SENSENBRENNER.
H.R. 1136: Mr. EHLERS and Ms. WATSON.
H.R. 1214: Mr. OBERSTAR and Mr. JENKINS.
H.R. 1250: Mr. MCCOLLUM and Mr. CHOCOLA.
H.R. 1258: Mr. ANDREWS.
H.R. 1264: Mrs. MCCARTHY of New York.
H.R. 1294: Mr. DOGGETT.
H.R. 1323: Mr. GREEN of Wisconsin.
H.R. 1336: Mrs. MUSGRAVE, Mr. HOEKSTRA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Mrs. EMERSON, and Mrs. CAPITO.
H.R. 1430: Mr. MORAN of Kansas, and Mrs. LOWEY.
H.R. 1466: Mr. STUPAK and Mr. MICHAUD.
H.R. 1475: Mr. HOUGHTON.
H.R. 1508: Mr. SCHIFF.
H.R. 1519: Mr. KOLBE.
H.R. 1523: Mr. SHIMKUS.
H.R. 1643: Mr. SHIMKUS, Mr. FORBES, and Mr. BALLANCE.
H.R. 1660: Mr. NORWOOD, Mr. BARTLETT of Maryland, and Mr. BURTON of Indiana.
H.R. 1676: Mr. BLUMENAUER, Mr. CLAY, and Mr. SHAYS.
H.R. 1684: Mr. HONDA, Mr. JACKSON of Illinois, and Ms. MILLENDER-MCDONALD.
H.R. 1708: Mr. GREENWOOD and Mr. KING of New York.
H.R. 1738: Mr. LYNCH.
H.R. 1742: Mr. HINOJOSA.
H.R. 1811: Mr. ROSS, Mr. DREIER, Mrs. MYRICK, Mr. NORWOOD, and Mr. PASTOR.
H.R. 1819: Mr. LUCAS of Kentucky.
H.R. 1824: Mr. PORTER, Mr. CASE, Mr. GREEN of Texas, Mr. WOLF, Mrs. BLACKBURN, Mr. MCGOVERN, and Mr. FRANK of Massachusetts.
H.R. 1886: Ms. DEGETTE, Mr. CONYERS, Mr. EDWARDS, Mr. LAMPSON, Mr. GALLEGLY, Mr. KUCINICH, Ms. SOLIS, Mr. QUINN, Mr. BURTON of Indiana, Mr. PASCRELL, Mr. SMITH of Washington, and Mr. DOOLEY of California.
H.R. 1896: Mr. PETERSON of Minnesota.
H.R. 1914: Mr. GREEN of Wisconsin and Mr. MOORE.
H.R. 1958: Mr. SNYDER.
H.R. 2034: Mr. HOEKSTRA and Mr. SESSIONS.
H.R. 2038: Mrs. NAPOLITANO and Ms. MILLENDER-MCDONALD.
H.R. 2045: Mr. GRAVES, Mr. ISAKSON and Mrs. EMERSON.
H.R. 2052: Mr. INSLEE, Mr. RODRIGUEZ, Mr. CAPUANO and Ms. PELOSI.
H.R. 2093: Mr. MCINTYRE.
H.R. 2130: Mr. SMITH of New Jersey, Mr. SAXTON, Mr. PASCRELL, and Mr. PAYNE.
H.R. 2133: Mr. WOLF.
H.R. 2178: Mr. DAVIS of Florida, Mr. POMEROY, Mr. FOLEY, and Mr. HULSHOF.
H.R. 2180: Mr. BURGESS.
H.R. 2203: Mr. OBEY.
H.R. 2239: Mr. SMITH of Washington, Mr. HONDA, Mr. ROSS, Mr. UDALL of New Mexico, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2327: Mr. SOUDER, Mr. MORAN of Virginia and Mrs. JO ANN DAVIS of Virginia.
H.R. 2359: Mr. BEREUTER and Mr. BALLENGER.
H.R. 2379: Mr. JANKLOW.
H.R. 2394: Mr. WEXLER, Mr. MCNULTY, and Mr. HOLDEN.
H.R. 2456: Mr. CARDIN.
H.R. 2490: Mrs. LOWEY.
H.R. 2505: Mr. MORAN of Virginia.
H.R. 2512: Mr. ENGLISH and Mr. FEENEY.
H.R. 2548: Mr. CANNON.
H.R. 2579: Mr. NEUGEBAUER and Mr. BISHOP of Georgia.
H.R. 2592: Ms. MILLENDER-MCDONALD, Mr. MCDERMOTT, Ms. LEE, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. BISHOP of Georgia, and Mr. PAYNE.
H.R. 2614: Mr. BISHOP of New York.
H.R. 2615: Mr. SNYDER.
H.R. 2699: Mrs. CAPITO, Mr. POMBO, Mr. BLUNT, and Mr. KENNEDY of Minnesota.
H.R. 2705: Mrs. JONES of Ohio, Mr. BRADY of Pennsylvania, Mr. MCDERMOTT, and Ms. CORRINE BROWN of Florida.
H.R. 2719: Ms. BERKLEY, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. JANKLOW, Mr. SCHROCK, Mr. DOOLITTLE, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2720: Mr. UPTON, Mr. PAYNE, Mrs. MCCARTHY of New York, Mr. SOUDER, and Mr. KUCINICH.
H.R. 2743: Mr. HERGER.
H.R. 2768: Mr. CROWLEY, Mr. SESSIONS, Mr. CAPUANO, Mr. HINCHEY, Mr. CARSON of Oklahoma, Mr. MCGOVERN, Mr. PEARCE, Mr. HULSHOF, Mr. MCDERMOTT, Mr. LAMPSON, Ms. SLAUGHTER, and Mr. TOWNS.

H.R. 2792: Mr. SMITH of New Jersey.
H.R. 2808: Mr. JANKLOW and Mr. OWENS.
H.R. 2811: Mr. DAVIS of Tennessee.
H.R. 2832: Mr. BRADY of Pennsylvania and Mr. MCGOVERN.
H.R. 2851: Mr. HOSTETTLER.
H.R. 2853: Mr. BERMAN, Mr. KENNEDY of Rhode Island, and Mr. STARK.
H.R. 2868: Mr. GRIJALVA.
H.R. 2878: Mr. CASE.
H.R. 2885: Mr. GOODE.
H.R. 2898: Mr. HOLDEN.
H.R. 2900: Mr. LUCAS of Kentucky, Mr. ROSS, Mr. PETERSON of Minnesota, Mr. MILLER of Florida, Mr. MARSHALL, and Mr. SHAW.
H.R. 2978: Mr. CARSON of Oklahoma, Mr. ROSS, Mr. OSBORNE, Mr. SMITH of Michigan, and Mr. KINGSTON.
H.R. 2983: Ms. LEE.
H.R. 2986: Mr. BARTON of Texas, Mr. THOMPSON of Mississippi, and Mr. BRADLEY of New Hampshire.
H.R. 2998: Mr. SHUSTER, Mr. BARRETT of South Carolina, Mr. LATOURETTE, Mr. WEXLER, Mr. ENGEL, Mr. BROWN of South Carolina, Mr. RYUN of Kansas, Mrs. MCCARTHY of New York, Mr. TANCREDO, and Mr. FOLEY.
H.R. 2999: Mr. BUYER, Mr. CUNNINGHAM, Mr. GINGREY, Mr. RENZI, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. TERRY, Mr. RYUN of Kansas, and Mr. AKIN.
H.R. 3002: Mr. NORWOOD.
H.R. 3004: Ms. WATSON.
H.R. 3010: Mr. OWENS.
H.R. 3012: Mr. SWEENEY, Mrs. KELLY, Mr. REYNOLDS, Mr. MCHUGH, Mr. RANGEL, and Ms. VELAZQUEZ.
H.R. 3051: Mr. CUMMINGS, Ms. KILPATRICK, Mr. GREEN of Texas, Mr. ISRAEL, Ms. NORTON, and Mrs. KELLY.
H.R. 3052: Mr. GINGREY and Mr. WAMP.
H.R. 3075: Mr. RENZI.
H.R. 3094: Mr. BISHOP of New York and Mr. MILLER of Florida.
H.R. 3109: Ms. JACKSON-LEE of Texas, Mr. BISHOP of Georgia, Ms. KAPTUR, Mr. SHIMKUS, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3119: Mr. BOSWELL, Mr. LAHOOD, Mr. LEACH, Mr. SHIMKUS, Mr. DAVIS of Tennessee, Mr. GORDON, and Mr. REHBERG.
H.R. 3120: Ms. NORTON.
H.R. 3123: Mr. OWENS.
H.R. 3130: Mr. BISHOP of Utah, Mr. BARRETT of South Carolina, Mr. BURTON of Indiana, Mr. AKIN, and Mr. VITTER.
H.R. 3132: Mr. REYES.
H.R. 3134: Mrs. MYRICK.
H.R. 3140: Mr. DAVIS of Florida.
H.R. 3154: Ms. HARRIS and Mr. ABERCROMBIE.
H.R. 3165: Mr. BEREUTER.
H.R. 3178: Ms. NORTON, Mr. BLUMENAUER, Ms. LEE, Mr. WELDON of Pennsylvania, Mr. FROST, and Mr. COSTELLO.
H.R. 3184: Mr. FROST.
H.R. 3191: Mr. AKIN, Mr. KING of Iowa, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mr. HERGER, Mr. HOEKSTRA, Mr. CHOCOLA, Mr. SHADEGG, Mr. HOSTETTLER, Mr. PENCE, Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Mr. KLINE, Mr. TAYLOR of Mississippi, and Mr. HALL.
H.R. 3193: Mr. DOOLITTLE, Mr. BARTLETT of Maryland, Mr. COLLINS, Mr. ROGERS of Alabama, Mr. BRADLEY of New Hampshire, Mr. HERGER, Mr. MCCOTTER, Mr. KING of Iowa, Mr. BALLENGER, Mr. WICKER, Mr. CUNNINGHAM, Mrs. MUSGRAVE, Ms. GINNY BROWN-WAITE of Florida, Mr. HAYES, Mr. GRAVES, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. GIBBONS, Mr. PICKERING, Mr. CHOCOLA, Mr. PEARCE, Mr. BARRETT of South Carolina, Mr. MCINTYRE, Mr. TANNER, Mr. MILLER of Florida, Mr. HOSTETTLER, Mr. HUNTER, Mr. RAHALL, Mr. AKIN, Mr. BONNER, Mr. BACA, Mr. CANTOR, Mr. BROWN of South Carolina, and Mr. BOOZMAN.
H.R. 3200: Ms. GINNY BROWN-WAITE of Florida, Mr. OSE, and Mrs. WILSON of New Mexico.
H.R. 3208: Mr. ACEVEDO-VILA and Mr. KING of New York.
H.R. 3214: Mr. HOSTETTLER, Mr. EHLERS, Ms. DELAURO, and Ms. WATSON.
H.R. 3215: Mr. KIRK and Mrs. BLACKBURN.
H.J. Res. 22: Mr. TANCREDO.
H.J. Res. 62: Mr. TIERNEY.
H. Con. Res. 47: Ms. MCCOLLUM.
H. Con. Res. 86: Mr. OLVER.
H. Con. Res. 94: Mr. GIBBONS, Mr. NETHERCUTT, Mr. LUCAS of Kentucky, Mr. LEWIS of Kentucky, Ms. ESHOO, Mr. MCDERMOTT, Mr. LATHAM, Mr. RYAN of Kansas, Mr. KENNEDY of Rhode Island, Mr. JANKLOW, Mr. DOGGETT, Mr. NEUGEBAUER, Mr. PASTOR, and Mr. HOEFFEL.
H. Con. Res. 117: Mr. TANCREDO.
H. Con. Res. 242: Mr. ROTHMAN, Mr. SAXTON, Mr. HINCHEY, and Mr. WYNN.
H. Con. Res. 247: Mr. TERRY.
H. Con. Res. 252: Mr. BISHOP of Georgia, Mr. RYAN of Ohio, Ms. ESHOO, and Mr. ALEXANDER.
H. Con. Res. 264: Mr. KENNEDY of Rhode Island.
H. Con. Res. 275: Mr. DEUTSCH.
H. Con. Res. 280: Mr. RYUN of Kansas, Mr. RAMSTAD, Mr. BURGESS, Mr. HILL, Mrs. NORTHUP, Mr. BOUCHER, Mr. SOUDER, and Mr. BACA.
H. Con. Res. 285: Mr. KENNEDY of Minnesota.
H. Res. 133: Mr. TERRY.
H. Res. 157: Mr. SABO.
H. Res. 261: Mr. WALDEN of Oregon, Mr. HINOJOSA, and Mr. DEUTSCH.
H. Res. 304: Mr. TERRY and Mr. LUCAS of Kentucky.
H. Res. 320: Mr. SHERMAN.
H. Res. 364: Mr. SHERMAN, Mr. ISRAEL, Ms. WOOLSEY, Mr. SMITH of Washington, and Ms. DEGETTE.
H. Res. 373: Ms. DELAURO, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. FROST, Mr. MCGOVERN, Mr. OLVER, Mr. WYNN, Ms. BALDWIN, and Mr. FILNER.
H. Res. 378: Mr. MCCRERY, Mr. BASS, and Mr. MCGOVERN.
H. Res. 384: Mr. CUMMINGS, Ms. WATSON, Mrs. CHRISTENSEN, Mr. SMITH of Washington, Mr. MEEK of Florida, Ms. WATERS, Mr. HASTINGS of Florida, Mrs. TAUSCHER, Mr. LANTOS, Mr. GREEN of Texas, Mr. PASTOR, Ms. CARSON of Indiana, and Ms. DELAURO.
H. Res. 387: Mr. FOLEY, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. GILLMOR, Mr. MATSUI, Mr. BELL, Mr. MORAN of Virginia, Ms. SLAUGHTER, Mr. GONZALEZ, Mr. CAPUANO, Mr. DAVIS of Alabama, Mr. WATT, Mr. ACKERMAN, Mrs. MALONEY, Mr. STENHOLM, Mr. TANNER, Mr. DAVIS of Tennessee Mr. ETHERIDGE, Mr. KIND, Mrs. BIGGERT, Mr. MICHAUD, Mr. CONYERS, Mr. HOLT, Mr. CLYBURN, Mr. CRAMER, Mr. WEXLER, Mr. DAVIS of Florida, Ms. HARMAN, Mr. SANDERS, Mr. LANTOS, Mr. EDWARDS, Mr. BOOZMAN, Mr. THOMPSON of California, and Mr. SHERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under Clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2022: Mr. GEORGE MILLER of California.