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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 3, 2004.

I hereby appoint the Honorable E. CLAY SHAW, Jr., to act as Speaker pro tempore on this day.

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

PRAYER

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

How blessed is the just one. Truly happy and free is the one who fears the Lord. All the demands of life and love are embraced with ease.

The dawn of a new day fills the just with energy to do what is right and to risk everything in the cause of justice. Wealth and power seem throwaway items to the generous heart concerned for others.

The details of a job well done are worth remembering for the one whose heart is steadfast. There is no fear of an evil report or the manipulation of others in the heart of the one committed to the Lord.

For the just, communion in the Lord is real every day and lasts forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BOOZMAN 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 a bill of the following title in which the concurrence of the House is requested:

S. 2136. An act to extend the final report date and termination date of the National Commission on Terrorist Attacks Upon the United States, to provide additional funding for the Commission, and for other purposes.

The message also announced that pursuant to Public Law 93–642, the Chair, on behalf of the Vice President, appoints the Senator from Montana (Mr. BAUCUS) to be a member of the Harry S Truman Scholarship Foundation Board of Trustees, vice the Senator from Washington (Mrs. MURRAY).

The message also announced that pursuant to section 104(c)(1)(A), of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program:

Dr. Steven Trooboff of Portland, Maine.

DAVID KAY AND WEAPONS OF MASS DESTRUCTION

(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, Dr. David Kay, former Iraqi weapons inspector, gave an interview on the Today Show on January 27. Let me quote from what he said:

''Iraq was a country that had the capabilities in weapons of mass destruction areas and in which terrorists, like ants to honey, were going after it. We found that the Iraqi government, particularly Saddam Hussein and his senior leadership, had an intention to continue to pursue their WMD activities; that they, in fact, had a large number of weapons of mass destruction program-related activities.''

Some in this body must have a hearing problem. To say that the President and the administration have misled the American people in building the case for the war with Iraq is wrong. Dr. Kay, like many others, is confident that Iraq possessed weapons of mass destruction and the ability to produce weapons of mass destruction. In fact, Saddam Hussein even used these weapons of mass destruction on his own people.

I hope the American voters see through the false charges against the President of the United States.

URGING MEMBERS TO JOIN BIKE-PARTISAN BICYCLE CAUCUS

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

Mr. BLUMENAUER. Mr. Speaker, the general election for President is basically starting this week. The Democrats have selected their nominee. The President is out campaigning. But I hope that we will be able this week to take a pause before the action gets too heated to deal with the hundreds of volunteers who are visiting Capitol Hill who are advocates for bicycling.

These are people from all over the country, small businesspeople, community activists, all here with a message of how activity dealing with cycling in

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America can make our communities healthier, cycling can be a dramatic opportunity for economic development for thousands of small businesses, and it is, after all, the most efficient form of urban transportation ever devised.

It is an opportunity for us, in a small but important way, to reduce our energy dependence on foreign oil from unstable regions, to improve air quality, and to reduce the traffic congestion that is costing American families dozens of extra hours that they cannot afford every month.

I urge my colleagues to join our bike-partisan Bicycle Caucus; to support robust transportation funding that includes things like safe routes to school and enhancements; and integrate cycling into your life and your community. We will be healthier, happier and the country will be better off.

BROADCAST INDECENCY

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

Mr. PITTS. Mr. Speaker, families are tired of having to cover their children's eyes and ears every time they turn on the television. Many parents' standards of common decency are repeatedly offended and their parenting is undermined by the onslaught of indecent material on television and radio. Frankly they have been outraged recently by the examples of filth permitted on the airwaves by the FCC. Just as the majority leader said yesterday, if the industry cannot police itself, Congress must step in.

The FCC has been entrusted with enforcing our Federal decency laws and should be expected to do so. There are plenty of laws on the books regarding this matter and the FCC just needs to enforce them. Today the Committee on Energy and Commerce will mark up a bill which allows the FCC to enforce tougher penalties on broadcasters for violations of the law. The privilege of conducting business over the airwaves should always be conditional on their willingness to adhere to standards of common decency.

Broadcast airwaves belong to the American people, not to the networks. It is time for Congress to defend and protect America's parents and children and pass a tough bill to ensure decency on the airwaves.

THE PRESIDENT'S CREDIBILITY DEFICIT

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

Mr. EMANUEL. Mr. Speaker, President Bush has decided to make credibility an election year issue. Yesterday the Vice President announced if the Democratic policies had been pursued over the last 2 or 3 years, we would not have had the kind of job growth that this economy experienced.

Really? What a fascinating take. In the last 3 years, $3 trillion have been added to the Nation's debt and 3 million Americans have lost their jobs. And they want to make credibility an issue. Since 5 months when he announced the creation of a manufacturing czar, which has not been appointed, 250,000 additional manufacturing jobs have been lost. And they want to make credibility an issue.

They have an economic report that says outsourcing is good for American workers. And they want to make credibility an issue. It is a fascinating take on the economy. Today we have a jobless economy with a wage recession in America. In fact, flipping hamburgers is now a manufacturing job in America. And they want to make credibility an issue.

Mr. Speaker, the President and the Vice President think everything is just fine in America. What we need is a new direction to put American workers, American families and their values at the center of our agenda and for somebody to wake up every morning thinking about their jobs, their children and their future.

EXPRESSING OUTRAGE AT CALIFORNIA COURT RULING REQUIRING CATHOLIC CHARITY TO COVER BIRTH CONTROL IN EMPLOYEE HEALTH INSURANCE PLANS

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

Mr. MURPHY. Mr. Speaker, I rise to express my outrage at a recent decision by the California Supreme Court. This decision requires a Catholic charity to cover birth control in its employees' health insurance plans despite the church's position on contraception. This decision infringes on the principles of any faith-based charity choosing to help all the needy and not just those of a similar faith. As a result of this decision, society as a whole suffers. Faith-affiliated charities frequently provide help and hope to the least among us without religious discrimination, but this decision is a step backward. We are left to wonder what effect it will have on the social ministry of these organizations. Some may be forced to choose between adhering to their beliefs and serving those in need.

This decision represents an intentional, purposeful intrusion into a religious organization's practice of its religious tenets and sense of mission and it could reach far beyond Catholic charities and affect other faith-based hospitals and charities throughout the country.

PRESIDENT BUSH'S POLICIES ARE CREATING JOBS AND SPURRING THE ECONOMY

(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, President Bush took office 3 years ago facing the challenge of managing a recession that began under the prior administration. Soon other factors bogged down our economy, including the attacks of September 11, corporate scandals and the ensuing stock market decline. Despite all of these negative events, President Bush and the Republican Congress have worked together to strengthen the economy in America. Due to the President's policies of tax relief, we have seen an increase of 366,000 jobs. And, according to the American Shareholders Association, the stock market is on pace to generate an astonishing $6.3 trillion of new resources since October 2002 for America's families. Additionally, unemployment has fallen below the average of each of the last three decades.

However, more work is needed which the President has outlined. We must make tax relief for all taxpayers permanent, reduce regulation, ensure affordable health care for families and small businesses, and enact a sound national energy policy.

In conclusion, may God bless our troops and we will never forget September 11.

THE NOBLE MISSION OF THE 39TH BRIGADE COMBAT TEAM

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

Mr. BOOZMAN. Mr. Speaker, I rise today to express my support for the brave men and women of the 39th Brigade combat team as they deploy to Iraq. The 39th Brigade includes National Guardsmen from 10 States but is mostly made up of Arkansas National Guardsmen, including the Russellville-based 206th Field Artillery Unit.

Last weekend I had an opportunity to visit with many of the soldiers of the 39th Brigade during their colors casing ceremony at Fort Polk. They are some of America's finest. They are a diverse group, including doctors, teachers, lawyers, people from all walks of life, men and women who are ready to put their Guard training and professional skills to work establishing democracy in a country where oppression was once the norm.

Mr. Speaker, their mission is noble and of great importance. I ask my colleagues to remember them and their families in their thoughts and prayers as we continue to support our troops and their efforts to fight terror and bring back democracy to Iraq.

THANKING THE PRESIDENT FOR IDENTIFYING AMERICA'S PRIORITIES IN HIS BUDGET

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

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today to thank the President for clearly identifying America's priorities in his fiscal year 2005 budget. There is no doubt that we are in a time of war and I am pleased President Bush's budget sent a clear signal that our Nation's defense and homeland security must remain the top priority of the Federal Government. However, I believe we can and must do more.

That is why last week I introduced an updated version of legislation that I introduced last year, the Common Sense Spending Act. This legislation will continue to fund nondefense, nonhomeland security and hold discretionary spending at fiscal year 2004 levels for the next year, then increase at the rate of inflation over the next 4 years. It is all common sense. The spending act will slow the growth of mandatory spending by 1 percent, holding Social Security harmless, and reauthorizes PAYGO requiring offsets for direct spending. It also tightens the definition of emergency spending. Again, it is all common sense.

Mr. Speaker, if Members are serious about getting control of Federal spending, then I ask them to join me in support of the Common Sense Spending Act. It is time to limit our spending to reflect the priorities we have set.

HONORING COLONEL JESSE THOMAS, COMMANDER, 167TH AIRLIFT WING, WEST VIRGINIA AIR NATIONAL GUARD, ON HIS RETIREMENT FROM THE MILITARY

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

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Colonel Jesse A. Thomas, the Commander of the 167th Airlift Wing of the West Virginia Air National Guard based in Martinsburg, West Virginia.

□ 1015

Colonel Thomas is retiring after 33 years in our Armed Forces. Colonel Thomas began his military service as a T–37 instructor pilot in 1971. He then joined the West Virginia Air National Guard when he became a C–130 aircraft commander. Colonel Thomas has logged approximately 11,000 flight hours as a command pilot, including 5,000 hours as an instructor.

During Operation Desert Shield, Thomas deployed to Europe as an aircrew member and unit commander. He also flew airdrop and air defense missions in Yugoslavia and Central America and Southwest Asia.

Mr. Speaker, in our current war on terror, the National Guard has been called upon to fight in Iraq and Afghanistan, and thousands of brave men and women have answered that call. I thank all of the men and women of the National Guard who give so much in service to our Nation. Colonel Jesse Thomas, who has dedicated 34 years to the defense of freedom, deserves the respect of all of us in the House, and I thank him for his devoted service to the people of West Virginia and his country.

THE PROSPECT OF PEACE IN CYPRUS

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

Mr. KIRK. Mr. Speaker, after decades of intercommunal violence between Turkey and Greece, there is now hope for peace on Cyprus.

On February 3, President Bush met with U.N. Secretary-General Annan to restart the peace process. Following talks between the Greek and Turkish Cypriot leaders on February 13, Annan announced the resumption of negotiations, saying, ''I really believe that, after 40 years, a settlement is at last in reach.''

Since February 19, the two sides have been discussing a U.N. peace plan in Cyprus. Despite predictably difficult negotiations, the Annan blueprint is secure. If there is no agreement by the two parties by March 22, Turkey and Greece will join the negotiations to broker a deal. If there is still no agreement by March 29, Annan will ''fill in the blanks,'' and Greek and Turkish Cypriots will then vote on this plan in separate referenda in April. If all goes well, a reunited Cyprus will enter the European Union on May 1.

Having long supported peace efforts in Cyprus, the United States must now extend a helping hand to the Cypriots as they confront the difficulties of implementing an agreement. In 1984, Congress authorized President Reagan's $250 million Cyprus Peace and Reconstruction Fund. The money was not provided because we did not reach a settlement. Europe is home to the last ''Berlin-style'' wall in Cyprus. Let us make this the year that it comes down forever.

THE ''H.L. HUNLEY''

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

Mr. BROWN of South Carolina. Mr. Speaker, this year marks the 140th anniversary of the final voyage of the *H.L. Hunley*. On February 17, 1864, the *Hunley* embarked on a dangerous mission when Lieutenant George Dixon led his crew to do what no other submarine had ever done before, successfully sink another ship in combat. That night in Charleston Harbor, the *Hunley* rammed her spar torpedo into the hull of the USS *Housatonic*. The ship sunk shortly thereafter, forever securing the *Hunley*'s place in history.

The crew, however, never returned and vanished into the harbor. The location of the crew and ship remained a mystery for over 130 years until 1995 when the submarine was found. It was placed under the care of the Warren Lasch Conservation Center in North Charleston in my district. Through the efforts of the Hunley Commission and the Friends of the Hunley, the vessel will be preserved for generations to come. All eight crew members' bodies have been recovered and will receive a military burial on April 17, 2004, at Magnolia Cemetery in Charleston. I welcome all Americans to take the opportunity to marvel at this archeological wonder.

HAITI

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, yesterday was Texas Independence Day, March 2. This Nation and our people value both independence and democracy. But it is sad to note that a small nation by the name of Haiti has not received the same amount of respect, collegiality, and assistance that this country could be called to do. It is shameful that we have in the dark of night the question of whether or not a duly elected democratic President, President Aristide, was taken away from his home without his free will.

People are dying in the streets of Haiti. The question becomes what happened to President Aristide and why he was removed against his will. The question becomes whether or not this Nation will engage with insurgents and thugs and drug dealers, as the opposition represents; whether or not we will tolerate the continued pillaging and the loss of life; whether or not we will grant temporary protective status for Haitians who are here in fear of their life; and whether or not we respect those who are fleeing from persecution by granting individual asylum hearings.

Mr. Speaker, this Nation can do better. We can do better with our allies and friends. Why are we not doing better for Haiti?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

CHARLES ''PETE'' CONRAD ASTRONOMY AWARDS ACT

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 912) to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles ''Pete'' Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories, as amended.

The Clerk read as follows:

H.R. 912

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Charles 'Pete' Conrad Astronomy Awards Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration;

(2) the term ''amateur astronomer'' means an individual whose employer does not provide any funding, payment, or compensation to the individual for the observation of asteroids and other celestial bodies, and does not include any individual employed as a professional astronomer;

(3) the term ''Minor Planet Center'' means the Minor Planet Center of the Smithsonian Astrophysical Observatory;

(4) the term ''near-Earth asteroid'' means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun; and

(5) the term ''Program'' means the Charles ''Pete'' Conrad Astronomy Awards Program established under section 3.

SEC. 3. PETE CONRAD ASTRONOMY AWARD PROGRAM.

(a) IN GENERAL.—The Administrator shall establish the Charles ''Pete'' Conrad Astronomy Awards Program.

(b) AWARDS.—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(c) AWARD CATEGORIES.—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(1) The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(2) The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloguing near-Earth asteroids during the preceding year.

(d) AWARD AMOUNT.—An award under the Program shall be in the amount of $3,000.

(e) GUIDELINES.—(1) No individual who is not a citizen or permanent resident of the United States at the time of his discovery or contribution may receive an award under this Act.

(2) The decisions of the Administrator in making awards under this Act are final.

(f) AUTHORIZATION OF APPROPRIATIONS.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 912, as amended, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, as chairman of the Subcommittee on Space and Aeronautics of the Committee on Science, I have made the threat posed by near-Earth objects one of my top priorities. The hearings of our subcommittee have revealed that monitoring and tracking near-Earth objects, that is, NEOs, such as comets and asteroids, not only advance astronomy, but are critical in identifying the near-Earth objects that may threaten the Earth.

Mr. Speaker, recent press accounts of asteroids passing close to Earth have raised public awareness of the possibility that one day one of these objects could hit the Earth with potential catastrophic consequences. Given the vast number of asteroids and comets that inhabit the Earth's neighborhood, greater efforts for tracking and monitoring these objects are critical.

This is why I rise in support of the amendment to H.R. 912, the Charles ''Pete'' Conrad Astronomy Awards Act. This amendment does not alter the intent of the original bill, but clarifies what the awards program is and the role and responsibility of NASA and the Smithsonian's Minor Planet Center. We have worked with NASA, the Smithsonian Institution, and our colleagues across the aisle to make these improvements; and I thank them for all their help and support. H.R. 912 authorizes the NASA administrator to give one award each year to the amateur astronomer or to the group of amateur astronomers who discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids discovered during that preceding year by amateur astronomers and another award to the amateur astronomer or group of amateur astronomers who made the greatest contribution during the preceding year to the Minor Planet Center's catalogue of known asteroids. The recipients of the awards in the amount of $3,000 are limited to U.S. citizens and, yes, also permanent residents.

This bill is a tribute to Pete Conrad for his tremendous contributions to our country, to the world, and to the aerospace community over the last 4 decades. Pete Conrad was a pilot, an explorer, and an entrepreneur of the highest caliber. He commanded Apollo XII, and during that mission he became the third man to walk on the Moon. He saw space as a place to get to, to explore, and to do business. Space exploration and commercialization is what he did. It was his job to explore the Moon. He then worked to develop new spacecraft and space transportation systems. An interesting aside, analysis of an orbiting object identified by an amateur astronomer suggests that it is the remains of a Saturn V rocket, third stage, which most likely came from Pete Conrad's Apollo mission.

So I find no better way to honor Pete Conrad than to establish an annual astronomers award for future asteroid discoveries in his name. He always wanted people to be looking up. He was a positive ''can-do'' American. He exemplified the American spirit, and he was often remembered, of course, for not only his own walk on the Moon but his historic description of the landing on the Moon.

Of course, the threat of an asteroid hitting the world is a serious matter, and the idea of a catastrophic asteroid or comet impacting on the Earth has, of course, gained the attention of the media and the popular culture in films like ''Armageddon'' and ''Deep Impact'' of a few years ago, but it is vital for all of us to realize this is not just for the movies. This is not science fiction. We all know that the Earth's moon and many other planetary bodies in our solar system are covered with impact craters. Most people have heard of the dinosaur extinction theory or perhaps seen pictures of the meteor crater in Arizona. However remote the possibility of a near-Earth object striking the Earth and causing a worldwide calamity, no matter how obscure or how remote that is, there is a threat, a calculable threat.

And while the asteroid that killed the dinosaurs is estimated to occur only once every 100 million years, smaller, yet still hazardous, asteroids impact the Earth much more frequently. For example, the destructive force of the 1908 asteroid strike in Siberia was roughly equal to a 10-megaton blast of TNT. The asteroid that hit South America in the 1930s was of similar magnitude. The asteroid that struck Central Asia in the 1940s was a large impact. In 1996, satellites detected a high-altitude burst over Greenland involving an asteroid which would have had the destructive force measuring 100 kilotons of TNT.

Ironically, if we look at asteroids from the perspective of our national goals in space, they also offer us not just a threat but also unique opportunities. In terms of pure science, asteroids are geological time capsules from the era when our solar system was formed. Even better, they are orbiting mines of metals, of minerals, and other resources that can be possibly used to build large structures in space without having to carry up the material to build those structures from Earth. So far NASA has surveyed 600 asteroids, but this is a fraction of the projected total population of asteroids and near-Earth objects. What needs to be done now is to fully understand near-Earth objects and the potential threat and, yes, the potential use that they could pose to the world.

In closing, asteroids deserve a lot more attention from the scientific community and from the American people. The first step is through tracking all sizable near-Earth objects, and H.R. 912 is a modest step toward this goal.

I urge my colleagues to vote for H.R. 912, which will encourage young people in particular to start looking into the stars and get involved personally in America's space program.

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

□ 1030

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

Mr. Speaker, I want to express my support for the bill presented by the gentleman from California (Chairman ROHRABACHER), H.R. 912.

I know that my good friend the gentleman from California (Mr. ROHRABACHER) has had a long interest in Near Earth Objects and the potential threat they could pose to our civilization at some point in the future. Moreover, the Committee on Science has been active on a bipartisan basis since at least the early 1990s in trying to draw attention to this issue. At that time, former Chairman George Brown, Jr., held a series of hearings and drafted legislation to establish a NEO detection and cataloging within NASA.

H.R. 912 recognizes that amateur astronomers also can play a significant role in the detection of Earth orbit crossing asteroids and comets and provides a constructive way to reward their efforts.

A previous version of the bill passed the House last Congress, so I do not believe this legislation should be at all controversial. I urge the adoption by the House, and look forward to its speedy enactment.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of the Pete Conrad Astronomy Act, and commend the Chairman of the Space Subcommittee for his creativity and leadership in promoting space exploration.

This Act will reward individuals who through their hard work and dedication have made fundamental contributions to our knowledge of the universe. This Act will stimulate interest in space exploration—a field that helps keep this nation on the cutting edge of technology and captivates young minds. Discoveries made by amateur astronomers have helped with the enormous task of cataloguing the many asteroids and small bodies that share the solar system with us. Those amateur astronomers deserve to be rewarded. It is a valuable service to this nation and to the world, and should be encouraged. This Act will do both.

I would like to thank Chairman ROHRABACHER for working with me to address one small concern that I had when this bill went through markup in the Science Committee. People come from around the world to study at our great colleges and universities. They are often some of the best and brightest from their home countries. They pay high tuitions as international students. They often bring money into our communities. But the most important reason they are invited is because they bring diverse viewpoints and perspectives. They enrich the experience of our own students.

As the bill is written, only U.S. citizens and permanent residents are eligible for an award. This is fair, since we are trying to encourage Americans to get interested in space and science. However, these awards also offer an opportunity to foster collaborations and international partnerships that will be valuable for all parties in the future. We have therefore agreed on report language for this bill that will foster collaborative efforts.

If a group of amateur astronomers makes a great discovery, deemed worthy of a Pete Conrad Award, and if that group has international students in it—the Administrator of NASA will be able to give those foreign students a certificate or other token of appreciation. Although the monetary reward will be reserved for the Americans in the group, at least the foreign students will be recognized for their contributions. This seems only fair.

Again, I thank the Chairman for working with me on this issue. I support the bill and urge my colleagues to do the same.

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

Mr. ROHRABACHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 912, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

PERMITTING MALCOLM BALDRIGE NATIONAL QUALITY AWARDS TO NONPROFIT ORGANIZATIONS

Ms. HART. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3389) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit the Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

The Clerk read as follows:

H.R. 3389

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

SECTION 1. AMENDMENT.

Section 17(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following:

''(F) Nonprofit organizations.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from North Carolina (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania (Ms. HART).

GENERAL LEAVE

Ms. HART. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3389.

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

There was no objection.

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

Mr. Speaker, the Malcolm Baldrige National Quality Award was established by Congress and signed into law in August of 1987. The first awards were presented in 1988.

This award was established because many industry and government leaders saw that a renewed emphasis was a necessity for doing business in an expanding, competitive world market. But many American businesses either did not believe quality mattered for them or did not know where to begin. The Baldrige Award was envisioned as a standard of excellence that would help United States organizations achieve world class quality.

Mr. Speaker, the award is named after Malcolm Baldrige, who was Secretary of Commerce to President Ronald Reagan from 1981 until his tragic death in July of 1987. Malcolm Baldrige thought the keys to this country's prosperity and long-term strength was quality management. He was involved with the creation of the act and his name was added after his death.

The Baldrige Award is given by the President of the United States to businesses, manufacturing and service businesses, both small and large, and to education and health care organizations. Applicants prepare detailed assessments of their management systems. The criteria are built upon a set of 11 interrelated core values and concepts. The seven criteria categories provide a system essential to achieving performance excellence, leadership, strategic planning, customer and market focus, information and analysis, human resource focus, process management and business results.

Baldrige applicants receive detailed written feedback about their strengths and opportunities for improvement from a team of independent Baldrige examiners. A panel of judges determines which organizations will be finalists for the award and those organizations receive site visits to verify and clarify their applications.

Two such businesses in my district have been recipients of the Malcolm Baldrige Award. This year's awardee, the 2003 manufacturing recipient, was Medrad, Inc., of Indianola, Pennsylvania. They are a leading provider of medical devices that enhance medical imaging procedures of the human body and also of injector systems.

The first manufacturing recipient in 1988 was also in my district, Westinghouse Electric Corporation's Commercial Nuclear Fuel Division.

Our amendment today will make one simple change to the Malcolm Baldrige Awards. It will adds the words ''nonprofit organization'' to those who are eligible to receive the award. Currently only manufacturers, service businesses, small businesses, education organizations and health care organizations are eligible for the Baldrige Award. Baldrige-based State award programs, however, have added additional categories that include nonprofits and government agencies.

However, there are three types of nonprofit organizations that are not eligible to apply for the Baldrige Award. These organizations account for a significant portion of the U.S. economy, and cannot benefit from the assessment and feedback process of the Baldrige Award. They are public agencies of the Federal, State and local government; independent, private not-for-profit organizations; for example, human service organizations, religious organizations, cultural or professional organizations; and also quasi-public organizations created by legislative authority are also not eligible; for example, public utilities, mutual insurance companies or credit unions.

In 1999, it was recognized that the Baldrige Award's performance standards can help stimulate improvement efforts in other sectors vital to the U.S. economy and the areas of education and health care were added to that criteria. Since then, a total of 66 applications have been submitted in the education category and 61 in the health care category, obviously giving these organizations an opportunity to improve their systems.

As it has for current eligible U.S. businesses, the Baldrige Award program can help nonprofit organizations improve their performance and also to foster communications, sharing of ''best practices'' and partnerships among schools, health care organizations and businesses.

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

Mr. MILLER of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. MILLER of North Carolina. Mr. Speaker, I also rise in support of H.R. 3389. Since 1987, the Malcolm Baldrige National Quality Awards have recognized excellence for quality in management. The Baldrige Awards quickly became America's highest honor for excellence and performance, and the benefits of the award exceeded any expectation.

To recognize excellence, the Department of Commerce first had to decide what excellence in management was and then how to achieve it. That required that businesses see their performance through the eyes of their customers and their employees. The criteria for excellence that developed as a result have transformed American business and the businesses that have competed for the awards, including the businesses that have not won the award, have achieved higher productivity, greater customer satisfaction, better employee relations, increased market share and improved profitability. The awards have made quality a national priority and have disseminated nationally the best practices for achieving it.

A recent study of the Baldrige Awards by Professor Albert Link of the University of North Carolina at Greensboro, one of my district's outstanding academic institutions, and by Professor John Scott of Dartmouth College, a college in New England, estimated the benefits of the award and the competition for the award at $24.65 billion. That is an astounding sum.

The Baldrige Awards now have five categories: Manufacturing, service, small business, and, since 1999, health care and education. But many other organizations cannot participate: Not-for-profit, service organizations, government agencies at the Federal, State and local level, independent sector organizations, such as human services, religious, cultural or trade and professional organizations, and private quasi-public organizations created by legislative authority, such as public utilities, cooperatives, mutual insurance companies and credit unions.

These organizations represent a significant part of the American economy, but they are now unable to benefit from the assessment and the feedback that are a vital part of the Baldrige Awards and the award process.

Let me say a special word about government agencies. The gentlewoman from Pennsylvania and I may disagree about what government should do, but there should be no disagreement about how government should do it. There should be no disagreement how government should be managed. Government agencies should be managed as well as the best managed private businesses. Managers in government must respect the people they serve and they must respect the taxpayers who pay for what they do. Managers in government should be consumed with achieving excellence in performance and in achieving efficiency.

I fervently hope that government agencies will focus on what constitutes excellence and how to achieve it, and that we will save billions as a result, just as private businesses have saved billions, as a result of competing for the Baldrige Awards.

In my district in North Carolina, there are many important organizations that are left out of the Baldrige experience. Let me tell you about just a couple of them.

Our State Treasurer's Office and Department of Revenue have made great strides in applying sound management quality practices by increasing accuracy and by cutting telephone hold times, freeing my State's citizens from voice mail jail.

Likewise, our crime control and public safety agencies are demonstrating the value of a systematic quality and performance excellence approach grounded in Baldrige criteria.

The North Carolina State Highway Patrol, a recipient of our State Quality Award, has achieved important improvements in all of its key performance effectiveness measures. The Commander of the Highway Patrol, Chief R. W. Holden, said that our State Baldrige-based award process allowed us to direct our self-improvement efforts to the most effective areas of our organization.

The Carolina Blood Services Region of the American Red Cross is another State Quality Award winner that has achieved stellar results.

These public agencies are demonstrating excellence in management every day. The keys to their continued improvement are the ability to be recognized for their good work and the ability to measure their performance against proven standards in order to become even better.

These worthy organizations affect our daily lives and our communities' well-being, and, like so many other not-for-profit service organizations, they cannot benefit from the Baldrige Award process today.

It is time to remedy this, and this bill proposes that the Baldrige Awards be opened up to allow participation by not-for-profit organizations, including government agencies. Support for this proposed expansion is widespread. The Foundation for the Malcolm Baldrige Award, the Baldrige Board of Overseers, the Secretary of Commerce and the President have endorsed expansion to include not-for-profit service organizations.

The Baldrige National Quality Program is a public-private partnership. It is managed by the National Institute for Standards and Technologies, NIST, an agency of the Commerce Department, and is supported by the private sector Baldrige Foundation. These organizations raise funds to support Baldrige's many activities so that the Federal investment in this program is leveraged many times over, not only by this private sector funding, but also by the efforts of hundreds of largely private sector volunteers and voluntary sector organizations, such as the American Red Cross.

I would be very proud to tell the folks in North Carolina, in the North Carolina Treasurer's Office, in the State Patrol and in the Blood Bank, that they too will be eligible to receive the recognition that goes with the Baldrige Awards, and to share their best practices with other organizations across the country.

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

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

Mr. Speaker, I also would like to commend the gentleman from North Carolina (Mr. MILLER) for his sponsorship of the legislation.

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

□ 1045

Mr. EHLERS. Mr. Speaker, today I rise in support of H.R. 3389, which amends the Malcolm Baldrige National Quality Awards to include a category for nonprofit organizations. On the Committee on Science I serve as chairman of the Subcommittee on Environment, Technology and Standards, with jurisdiction over the National Institute of Standards Technology, which administers the Baldrige Awards program. In that role I am most pleased to support this bill.

When the Baldrige award was first announced many years ago, my first thought was, well, what is another award? But this has turned out to be a very outstanding action on the part of the Congress and by the Department of Commerce. It has become one of the most important awards in America. It is highly sought after, and it is a tremendous honor to receive the Baldrige Award.

However, the Baldrige Award program is much more than an honor. The criteria of the award are used by companies and organizations nationwide to evaluate their own performance. Also, many State quality awards programs use a national Baldrige criteria. For example, in my district last year, the Michigan Quality Council using Baldrige criteria for evaluation recognized the Grand Rapids Community College for its vision and service to the community.

I am pleased to support this change to the Malcolm Baldrige National Quality Award. Including nonprofit organizations will open the competition to groups that have expressed strong support for the opportunity to be recognized for their efforts at the national level. Many States already include nonprofits as a category, and including them in the national program will help strengthen the Baldrige quality criteria.

I thank the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from North Carolina (Mr. MILLER) for their work in bringing this bill to the floor today, and I urge all of my colleagues to support it.

Mr. MILLER of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to acknowledge the gentlewoman from Pennsylvania's (Ms. HART) work and thank her for working so well on this and for her leadership on this issue. After hearing the strongly partisan 1-minutes this morning, I am very glad we found some common ground between the parties.

Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. GORDON).

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

Beginning in 1987, the Baldrige Award process has defined what it means to be a world-class manufacturing or service company, has honored companies that attained that status, and has helped other companies understand the most important steps they must take if they are to improve their quality.

The financial results, customer and supplier relations, and the labor relations of winning companies have been quite impressive.

In the late 1990s, Congress extended the Baldrige Award categories to include education and health care fields. I am very proud that Caterpillar Financial Services Corporation located in Nashville, Tennessee, won in the service category. I also want to congratulate Stoner Inc., located in Quarryville, Pennsylvania, for winning the small business category. This is a small manufacturer of more than 300 specialized cleaners, lubricants, and coatings. It has 45 full-time and five part-time employees. Stoner proves that small manufacturers can successfully compete in the face of world competition.

This year's Baldrige Award also shows the importance of the Department of Commerce MEP program. Stoner used services of the Mid-Pennsylvania Manufacturing Extension Partnership in this modernization effort. I mention this because up until the FY 2005 request, the administration has always proposed eliminating the MEP program. This year the administration has requested funding but at only a one-third level, which essentially guts this very important program. This is short-sighted and a wrong budget decision.

Companies all across the organization like Stoner show that small manufacturers can compete in the global marketplace. They also use MEP services to meet the competitive challenges and to be successful.

I want to use this example to remind my colleagues of the importance of MEP to our small- and medium-sized manufacturing community. I want to urge all Members in joining me in restoring funding for the Manufacturing Extension Partnership.

I also want to congratulate the gentlewoman from Pennsylvania (Ms. HART) for the work she has done on this excellent legislation. And I want to congratulate the gentleman from North Carolina (Mr. MILLER) on his effort to extend the Baldrige Award to the nonprofit sector including government. This is the last sector of our economy that is not currently covered by the Baldrige Award. The gentleman from North Carolina (Mr. MILLER) has become a leader on the Committee on Science on a variety of economic issues, including technology transfer and quality.

I also want to thank, finally, the gentleman from New York (Mr. BOEHLERT) for seeing that this bill moved quickly to the floor.

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

Mr. Speaker, I also would like to thank the gentleman from New York (Mr. BOEHLERT) for his involvement and support for the Baldrige Awards, as I understand he was involved with the Baldrige Awards at their inception. I also would like to thank former ranking member of the Committee on Science, the gentleman from Texas (Mr. HALL), for his support for this legislation and for the Baldrige Awards, and also our current ranking member, the gentleman from Tennessee (Mr. GORDON), for his hard work and bipartisanship in working to grow the Baldrige Awards and give others the opportunity to participate in that wonderful process.

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

Mr. MILLER of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to thank the gentleman from Tennessee (Mr. GORDON), who is now the ranking member of the Committee on Science for his work on this and for his support as well as his kind words just a few minutes ago.

Mr. BOEHLERT. Mr. Speaker, I rise today in support of H.R. 3389, and I want to thank Ms. HART and Mr. MILLER for bringing it before the Science Committee.

I'm especially pleased to be able to support this bill because I was co-author of the law that created the Baldrige National Quality Award, and that measure has succeeded beyond our wildest dreams.

The Baldrige National Quality Program is so much more than an award. It is an entire philosophy that has helped—and continues to help make our companies and our nation more productive and competitive.

The Baldrige Program has been described by CEOs as ''the most important catalyst for transforming American business,'' and the publication containing the Baldrige criteria has been hailed as ''probably the single most influential document in the modern history of American business.''

Opening the Malcolm Baldrige Quality Award to non-profits will not only enable them to compete against for the coveted Quality Award, but it will allow non-profits to participate in the Baldrige Quality process. This will help all of the non-profits that compete for the award assess themselves scientifically, become more innovative, make the best use of their employees, serve their customers better, and hold their enterprises to a higher standard.

Non-profits play a significant role in American society. When they improve, we are all better off. I'm pleased to note that my own state of New York has already instituted a non-profit category in its Governor's Award for Excellence. The Empire State Advantage, which runs the state-level quality program, strongly supports this bill.

It gives me great pleasure to join with my colleagues Ms. HART and Mr. MILLER in opening up the competitive process to non-profits. I urge passage of this bill.

Mr. MILLER of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. HART. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. HART) that the House suspend the rules and pass the bill, H.R. 3389.

The question was taken.

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

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

The yeas and nays were ordered.

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

COPYRIGHT ROYALTY AND DISTRIBUTION REFORM ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1417) to amend title 17, United States Code, to replace copyright arbitration royalty panels with a Copyright Royalty Judge, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1417

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Copyright Royalty and Distribution Reform Act of 2004''.

SEC. 2. REFERENCE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 17, United States Code.

SEC. 3. COPYRIGHT ROYALTY JUDGE AND STAFF.

(a) IN GENERAL.—Chapter 8 is amended to read as follows:

''CHAPTER 8—PROCEEDINGS BY COPYRIGHT ROYALTY JUDGES

''Sec.
''801. Copyright Royalty Judges; appointment and functions.
''802. Copyright Royalty Judgeships; staff.
''803. Proceedings of Copyright Royalty Judges.
''804. Institution of proceedings.
''805. General rule for voluntarily negotiated agreements.

''§ 801. Copyright Royalty Judges; appointment and functions

''(a) APPOINTMENT.—The Librarian of Congress shall appoint 3 full-time Copyright Royalty Judges, and shall appoint one of the three as the Chief Copyright Royalty Judge. In making such appointments, the Librarian shall consult with the Register of Copyrights.

''(b) FUNCTIONS.—Subject to the provisions of this chapter, the functions of the Copyright Royalty Judges shall be as follows:

''(1) To make determinations and adjustments of reasonable terms and rates of royalty payments as provided in sections 112(e), 114, 115, 116, 118, 119 and 1004. The rates applicable under sections 114(f)(1)(B), 115, and 116 shall be calculated to achieve the following objectives:

''(A) To maximize the availability of creative works to the public.

''(B) To afford the copyright owner a fair return for his or her creative work and the copyright user a fair income under existing economic conditions.

''(C) To reflect the relative roles of the copyright owner and the copyright user in the product made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, risk, and contribution to the opening of new markets for creative expression and media for their communication.

''(D) To minimize any disruptive impact on the structure of the industries involved and on generally prevailing industry practices.

''(2) To make determinations concerning the adjustment of the copyright royalty rates under section 111 solely in accordance with the following provisions:

''(A) The rates established by section 111(d)(1)(B) may be adjusted to reflect—

''(i) national monetary inflation or deflation; or

''(ii) changes in the average rates charged cable subscribers for the basic service of providing secondary transmissions to maintain the real constant dollar level of the royalty fee per subscriber which existed as of the date of October 19, 1976,

except that—

''(I) if the average rates charged cable system subscribers for the basic service of providing secondary transmissions are changed so that the average rates exceed national monetary inflation, no change in the rates established by section 111(d)(1)(B) shall be permitted; and

''(II) no increase in the royalty fee shall be permitted based on any reduction in the average number of distant signal equivalents per subscriber.

The Copyright Royalty Judges may consider all factors relating to the maintenance of such level of payments, including, as an extenuating factor, whether the industry has been restrained by subscriber rate regulating authorities from increasing the rates for the basic service of providing secondary transmissions.

''(B) In the event that the rules and regulations of the Federal Communications Commission are amended at any time after April 8, 1976, to permit the carriage by cable systems of additional television broadcast signals beyond the local service area of the primary transmitters of such signals, the royalty rates established by section 111(d)(1)(B) may be adjusted to insure that the rates for the additional distant signal equivalents resulting from such carriage are reasonable in the light of the changes effected by the amendment to such rules and regulations. In determining the reasonableness of rates proposed following an amendment of Federal Communications Commission rules and regulations, the Copyright Royalty Judges shall consider, among other factors, the economic impact on copyright owners and users; except that no adjustment in royalty rates shall be made under this subparagraph with respect to any distant signal equivalent or fraction thereof represented by—

''(i) carriage of any signal permitted under the rules and regulations of the Federal Communications Commission in effect on April 15, 1976, or the carriage of a signal of the same type (that is, independent, network, or noncommercial educational) substituted for such permitted signal; or

''(ii) a television broadcast signal first carried after April 15, 1976, pursuant to an individual waiver of the rules and regulations of the Federal Communications Commission, as such rules and regulations were in effect on April 15, 1976.

''(C) In the event of any change in the rules and regulations of the Federal Communications Commission with respect to syndicated and sports program exclusivity after April 15, 1976, the rates established by section 111(d)(1)(B) may be adjusted to assure that such rates are reasonable in light of the changes to such rules and regulations, but any such adjustment shall apply only to the affected television broadcast signals carried on those systems affected by the change.

''(D) The gross receipts limitations established by section 111(d)(1)(C) and (D) shall be adjusted to reflect national monetary inflation or deflation or changes in the average rates charged cable system subscribers for the basic service of providing secondary transmissions to maintain the real constant dollar value of the exemption provided by such section, and the royalty rate specified therein shall not be subject to adjustment.

''(3)(A) To authorize the distribution, under sections 111, 119, and 1007, of those royalty fees collected under sections 111, 119, and 1005, as the case may be, to the extent that the Copyright Royalty Judges have found that the distribution of such fees is not subject to controversy.

''(B) In cases where the Copyright Royalty Judges determine that controversy exists, the Copyright Royalty Judges shall determine the distribution of such fees, including partial distributions, in accordance with section 111, 119, or 1007, as the case may be.

''(C) the Copyright Royalty Judges shall make a partial distribution of such fees during the pendency of the proceeding under subparagraph (B) if all participants under section 803(b)(2) in the proceeding that are entitled to receive those fees that are to be partially distributed—

''(i) agree to such partial distribution;

''(ii) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the fees made under subparagraph (B); and

''(iii) file the agreement with the Copyright Royalty Judges.

''(D) The Copyright Royalty Judges and any other officer or employee acting in good faith in distributing funds under subparagraph (C) shall not be held liable for the payment of any excess fees under subparagraph (C). The Copyright Royalty Judges shall, at the time the final determination is made, calculate any such excess amounts.

''(4) To accept or reject royalty claims filed under section 111, 119, and 1007, on the basis of timeliness or the failure to establish the basis for a claim.

''(5) To accept or reject rate adjustment petitions as provided in section 804 and petitions to participate as provided in section 803(b)(1) and (2).

''(6) To determine the status of a digital audio recording device or a digital audio interface device under sections 1002 and 1003, as provided in section 1010.

''(7)(A) To adopt as the basis for statutory terms and rates or as a basis for the distribution of statutory royalty payments, an agreement concerning such matters reached among some or all of the participants in a proceeding at any time during the proceeding, except that—

''(i) the Copyright Royalty Judges shall provide to the other participants in the proceeding under section 803(b)(2) that would be bound by the terms, rates, distribution, or other determination set by the agreement an opportunity to comment on the agreement and object to its adoption as the basis for statutory terms and rates or as a basis for the distribution of statutory royalty payments, as the case may be; and

''(ii) the Copyright Royalty Judges may decline to adopt the agreement as the basis for statutory terms and rates or as the basis

for the distribution of statutory royalty payments, as the case may be, if any other participant described in subparagraph (A) objects to the agreement and the Copyright Royalty Judges find, based on the record before them, that the agreement is not likely to meet the statutory standard for setting the terms and rates, or for distributing the royalty payments, as the case may be.

''(B) License agreements voluntarily negotiated pursuant to section 112(e)(5), 114(f)(3), 115(c)(3)(E)(i), 116(c), or 118(b)(2) that do not result in statutory terms and rates shall not be subject to clauses (i) and (ii) of subparagraph (A).

''(c) RULINGS.—The Copyright Royalty Judges may make any necessary procedural or evidentiary rulings in any proceeding under this chapter and may, before commencing a proceeding under this chapter, make any such rulings that would apply to the proceedings conducted by the Copyright Royalty Judges. The Copyright Royalty Judges may consult with the Register of Copyrights in making any rulings under section 802(f)(1).

''(d) ADMINISTRATIVE SUPPORT.—The Librarian of Congress shall provide the Copyright Royalty Judges with the necessary administrative services related to proceedings under this chapter.

''(e) LOCATION IN LIBRARY OF CONGRESS.—The offices of the Copyright Royalty Judges and staff shall be in the Library of Congress.

''§ 802. Copyright Royalty Judgeships; staff

''(a) QUALIFICATIONS OF COPYRIGHT ROYALTY JUDGES.—Each Copyright Royalty Judge shall be an attorney who has at least 7 years of legal experience. The Chief Copyright Royalty Judge shall have at least 5 years of experience in adjudications, arbitrations, or court trials. Of the other two Copyright Royalty Judges, one shall have significant knowledge of copyright law, and the other shall have significant knowledge of economics. An individual may serve as a Copyright Royalty Judge only if the individual is free of any financial conflict of interest under subsection (h). In this subsection, 'adjudication' has the meaning given that term in section 551 of title 5, but does not include mediation.

''(b) STAFF.—The Chief Copyright Royalty Judge shall hire 3 full-time staff members to assist the Copyright Royalty Judges in performing their functions.

''(c) TERMS.—The terms of the Copyright Royalty Judges shall each be 6 years, except of the individuals first appointed, the Chief Copyright Royalty Judge shall be appointed to a term of 6 years, and of the remaining Copyright Royalty Judges, one shall be appointed to a term of 2 years, and the other shall be appointed to a term of 4 years. An individual serving as a Copyright Royalty Judge may be reappointed to subsequent terms. The term of a Copyright Royalty Judge shall begin when the term of the predecessor of that Copyright Royalty Judge ends. When the term of office of a Copyright Royalty Judge ends, the individual serving that term may continue to serve until a successor is selected.

''(d) VACANCIES OR INCAPACITY.—

''(1) VACANCIES.—If a vacancy should occur in the position of Copyright Royalty Judge, the Librarian of Congress shall act expeditiously to fill the vacancy, and may appoint an interim Copyright Royalty Judge to serve until another Copyright Royalty Judge is appointed under this section. An individual appointed to fill the vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed shall be appointed for the remainder of that term.

''(2) INCAPACITY.—In the case in which a Copyright Royalty Judge is temporarily unable to perform his or her duties, the Librarian of Congress may appoint an interim Copyright Royalty Judge to perform such duties during the period of such incapacity.

''(e) COMPENSATION.—

''(1) JUDGES.—The Chief Copyright Royalty Judge shall receive compensation at the rate of basic pay payable for level AL–1 for administrative law judges pursuant to section 5372(b) of title 5, and each of the other two Copyright Royalty Judges shall receive compensation at the rate of basic pay payable for level AL–2 for administrative law judges pursuant to such section. The compensation of the Copyright Royalty Judges shall not be subject to any regulations adopted by the Office of Personnel Management pursuant to its authority under section 5376(b)(1) of title 5.

''(2) STAFF MEMBERS.—Of the staff members appointed under subsection (b)—

''(A) the rate of pay of one staff member shall be not more than the basic rate of pay payable for GS–15 of the General Schedule;

''(B) the rate of pay of one staff member shall be not less than the basic rate of pay payable for GS–13 of the General Schedule and not more than the basic rate of pay payable for GS–14 of such Schedule; and

''(C) the rate of pay for the third staff member shall be not less than the basic rate of pay payable for GS–8 of the General Schedule and not more than the basic rate of pay payable for GS–11 of such Schedule.

''(f) INDEPENDENCE OF COPYRIGHT ROYALTY JUDGE.—

''(1) IN MAKING DETERMINATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Copyright Royalty Judges shall have full independence in making determinations concerning adjustments and determinations of copyright royalty rates and terms, the distribution of copyright royalties, the acceptance or rejection of royalty claims, rate adjustment petitions, and petitions to participate, and in issuing other rulings under this title, except that the Copyright Royalty Judges may consult with the Register of Copyrights on any matter other than a question of fact. Any such consultations between the Copyright Royalty Judges and the Register of Copyright on any question of law shall be in writing or on the record.

''(B) NOVEL QUESTIONS.—(i) Notwithstanding the provisions of subparagraph (A), in any case in which the Copyright Royalty Judges in a proceeding under this title are presented with a novel question of law concerning an interpretation of those provisions of this title that are the subject of the proceeding, the Copyright Royalty Judges shall request the Register of Copyrights, in writing, to submit a written opinion on the resolution of such novel question. The Register shall submit and make public that opinion within such time period as the Copyright Royalty Judges may prescribe. Any consultations under this subparagraph between the Copyright Royalty Judges and the Register of Copyrights shall be in writing or on the record. The opinion of the Register shall not be binding on the Copyright Royalty Judges, but the Copyright Royalty Judges shall take the opinion of the Register into account in making the judges' determination on the question concerned.

''(ii) In clause (i), a 'novel question of law' is a question of law that has not been determined in prior decisions, determinations, and rulings described in section 803(a).

''(2) PERFORMANCE APPRAISALS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law or any regulation of the Library of Congress, and subject to subparagraph (B), the Copyright Royalty Judges shall not receive performance appraisals.

''(B) RELATING TO SANCTION OR REMOVAL.—To the extent that the Librarian of Congress adopts regulations under subsection (h) relating to the sanction or removal of a Copyright Royalty Judge and such regulations require documentation to establish the cause of such sanction or removal, the Copyright Royalty Judge may receive an appraisal related specifically to the cause of the sanction or removal.

''(g) INCONSISTENT DUTIES BARRED.—No Copyright Royalty Judge may undertake duties inconsistent with his or her duties and responsibilities as Copyright Royalty Judge.

''(h) STANDARDS OF CONDUCT.—The Librarian of Congress shall adopt regulations regarding the standards of conduct, including financial conflict of interest and restrictions against ex parte communications, which shall govern the Copyright Royalty Judges and the proceedings under this chapter.

''(i) REMOVAL OR SANCTION.—The Librarian of Congress may sanction or remove a Copyright Royalty Judge for violation of the standards of conduct adopted under subsection (h), misconduct, neglect of duty, or any disqualifying physical or mental disability. Any such sanction or removal may be made only after notice and opportunity for a hearing, but the Librarian of Congress may suspend the Copyright Royalty Judge during the pendency of such hearing. The Librarian shall appoint an interim Copyright Royalty Judge during the period of any such suspension.

''§ 803. Proceedings of Copyright Royalty Judges

''(a) PROCEEDINGS.—

''(1) IN GENERAL.—The Copyright Royalty Judges shall act in accordance with this title, and to the extent not inconsistent with this title, in accordance with subchapter II of chapter 5 of title 5, in carrying out the purposes set forth in section 801. The Copyright Royalty Judges shall act in accordance with regulations issued by the Copyright Royalty Judges and on the basis of a fully documented written record, prior decisions of the Copyright Royalty Tribunal, prior copyright arbitration royalty panel determinations, rulings by the Librarian of Congress before the effective date of the Copyright Royalty and Distribution Reform Act of 2004, prior determinations of Copyright Royalty Judges under this chapter, and decisions of the court in appeals under this chapter before, on, or after such effective date. Any participant in a proceeding under subsection (b)(2) may submit relevant information and proposals to the Copyright Royalty Judges.

''(2) JUDGES ACTING AS PANEL AND INDIVIDUALLY.—The Copyright Royalty Judges shall preside over hearings in proceedings under this chapter en banc. The Chief Copyright Royalty Judge may designate a Copyright Royalty Judge to preside individually over such collateral and administrative proceedings, and over such proceedings under paragraphs (1) through (5) of subsection (b), as the Chief Judge considers appropriate.

''(3) DETERMINATIONS.—Final determinations of the Copyright Royalty Judges in proceedings under this chapter shall be made by majority vote. A Copyright Royalty Judge dissenting from the majority on any determination under this chapter may issue his or her dissenting opinion, which shall be included with the determination.

''(b) PROCEDURES.—

''(1) INITIATION.—

''(A) CALL FOR PETITIONS TO PARTICIPATE.—(i) Promptly upon the filing of a petition for a rate adjustment or determination under section 804(a) or 804(b)(8), or by no later than January 5 of a year specified in section 804 for the commencement of a proceeding if a petition has not been filed by that date, the Copyright Royalty Judges shall cause to be

published in the Federal Register notice of commencement of proceedings under this chapter calling for the filing of petitions to participate in a proceeding under this chapter for the purpose of making the relevant determination under section 111, 112, 114, 115, 116, 118, 119, 1004 or 1007, as the case may be.

''(ii) Petitions to participate shall be filed by no later than 30 days after publication of notice of commencement of a proceeding, under clause (i), except that the Copyright Royalty Judges may, for substantial good cause shown and if there is no prejudice to the participants that have already filed petitions, accept late petitions to participate at any time up to the date that is 90 days before the date on which participants in the proceeding are to file their written direct statements.

''(B) PETITIONS TO PARTICIPATE.—Each petition to participate in a proceeding shall describe the petitioner's interest in the subject matter of the proceeding. Parties with similar interests may file a single petition to participate.

''(2) PARTICIPATION IN GENERAL.—Subject to paragraph (4), a person may participate in a proceeding under this chapter, including through the submission of briefs or other information, only if—

''(A) that person has filed a petition to participate in accordance with paragraph (1) (either individually or as a group under paragraph (1)(B)), together with a filing fee of $150;

''(B) the Copyright Royalty Judges have not determined that the petition to participate is facially invalid; and

''(C) the Copyright Royalty Judges have not determined, sua sponte or on the motion of another participant in the proceeding, that the person lacks a significant interest in the proceeding.

''(3) VOLUNTARY NEGOTIATION PERIOD.—

''(A) IN GENERAL.—Promptly after the date for filing of petitions to participate in a proceeding, the Copyright Royalty Judges shall make available to all participants in the proceeding a list of such participants and shall initiate a voluntary negotiation period among the participants.

''(B) LENGTH OF PROCEEDINGS.—The voluntary negotiation period initiated under subparagraph (A) shall be 3 months.

''(C) DETERMINATION OF SUBSEQUENT PROCEEDINGS.—At the close of the voluntary negotiation proceedings, the Copyright Royalty Judges shall, if further proceedings under this chapter are necessary, determine whether and to what extent paragraphs (4) and (5) will apply to the parties.

''(4) SMALL CLAIMS PROCEDURE IN DISTRIBUTION PROCEEDINGS.—

''(A) IN GENERAL.—If, in a proceeding under this chapter to determine the distribution of royalties, a participant in the proceeding asserts that the contested amount of the claim is $10,000 or less, the Copyright Royalty Judges shall decide the controversy on the basis of the filing in writing of the initial claim, the initial response by any opposing participant, and one additional response by each such party. The participant asserting the claim shall not be required to pay the filing fee under paragraph (2).

''(B) BAD FAITH INFLATION OF CLAIM.—If the Copyright Royalty Judges determine that a participant asserts in bad faith an amount in controversy in excess of $10,000 for the purpose of avoiding a determination under the procedure set forth in subparagraph (A), the Copyright Royalty Judges shall impose a fine on that participant in an amount not to exceed the difference between the actual amount distributed and the amount asserted by the participant.

''(5) PAPER PROCEEDINGS IN RATEMAKING PROCEEDINGS.—The Copyright Royalty Judges in proceedings under this chapter to determine royalty rates may decide, sua sponte or upon motion of a participant, to determine issues on the basis of initial filings in writing, initial responses by any opposing participant, and one additional response by each such participant. Prior to making such decision to proceed on such a paper record only, the Copyright Royalty Judges shall offer to all parties to the proceeding the opportunity to comment on the decision. The procedure under this paragraph—

''(A) shall be applied in cases in which there is no genuine issue of material fact, there is no need for evidentiary hearings, and all participants in the proceeding agree in writing to the procedure; and

''(B) may be applied under such other circumstances as the Copyright Royalty Judges consider appropriate.

''(6) REGULATIONS.—

''(A) IN GENERAL.—The Copyright Royalty Judges may issue regulations to carry out their functions under this title. Not later than 120 days after Copyright Royalty Judges or interim Copyright Royalty Judges, as the case may be, are first appointed after the enactment of the Copyright Royalty and Distribution Reform Act of 2004, such judges shall issue regulations to govern proceedings under this chapter.

''(B) INTERIM REGULATIONS.—Until regulations are adopted under subparagraph (A), the Copyright Royalty Judges shall apply the regulations in effect under this chapter on the day before the effective date of the Copyright Royalty and Distribution Reform Act of 2004, to the extent such regulations are not inconsistent with this chapter, except that functions carried out under such regulations by the Librarian of Congress, the Register of Copyrights, or copyright arbitration royalty panels that, as of such date of enactment, are to be carried out by the Copyright Royalty Judges under this chapter, shall be carried out by the Copyright Royalty Judges under such regulations.

''(C) REQUIREMENTS.—Regulations issued under subparagraph (A) shall include the following:

''(i) The written direct statements of all participants in a proceeding under paragraph (2) shall be filed by a date specified by the Copyright Royalty Judges, which may be no earlier than four months, and no later than five months, after the end of the voluntary negotiation period under paragraph (3). Notwithstanding the preceding sentence, a participant in a proceeding may, within 15 days after the end of the discovery period specified in clause (iii), file an amended written direct statement based on new information received during the discovery process.

''(ii)(I) Following the submission to the Copyright Royalty Judges of written direct statements by the participants in a proceeding under paragraph (2), the judges shall meet with the participants for the purpose of setting a schedule for conducting and completing discovery. Such schedule shall be determined by the Copyright Royalty Judges.

''(II) In this chapter, the term 'written direct statements' means witness statements, testimony, and exhibits to be presented in the proceedings, and such other information that is necessary to establish terms and rates, or the distribution of royalty payments, as the case may be, as set forth in regulations issued by the Copyright Royalty Judges.

''(iii) Hearsay may be admitted in proceedings under this chapter to the extent deemed appropriate by the Copyright Royalty Judges.

''(iv) Discovery in such proceedings shall be permitted for a period of 60 days, except for discovery ordered by the Copyright Royalty Judges in connection with the resolution of motions, orders and disputes pending at the end of such period.

''(v) Any participant under paragraph (2) in a proceeding under this chapter to determine royalty rates may, upon written notice, seek discovery of information and materials relevant and material to the proceeding. Any objection to any such discovery request shall be resolved by a motion or request to compel discovery made to the Copyright Royalty Judges. Each motion or request to compel discovery shall be determined by the Copyright Royalty Judges, or by a Copyright Royalty Judge when permitted under subsection (a)(2), who may approve the request only if the evidence that would be produced is relevant and material. A Copyright Royalty Judge may refuse a request to compel discovery of evidence that has been found to be relevant and material, only upon good cause shown. For purposes of the preceding sentence, the basis for 'good cause' may only be that—

''(I) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from another source that is more convenient, less burdensome, or less expensive;

''(II) the participant seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or

''(III) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs and resources of the participants, the importance of the issues at stake, and the importance of the proposed discovery in resolving the issues.

''(vi) The rules in effect on the day before the effective date of the Copyright Royalty and Distribution Reform Act of 2004, relating to discovery in proceedings under this title to determine the distribution of royalty fees, shall continue to apply to such proceedings on and after such effective date.

''(vii) The Copyright Royalty Judges may issue subpoenas requiring the production of evidence or witnesses, but only if the evidence requested to be produced or that would be proffered by the witness is relevant and material.

''(viii) The Copyright Royalty Judges shall order a settlement conference among the participants in the proceeding to facilitate the presentation of offers of settlement among the participants. The settlement conference shall be held during a 21-day period following the end of the discovery period.

''(c) DETERMINATION OF COPYRIGHT ROYALTY JUDGES.—

''(1) TIMING.—The Copyright Royalty Judges shall issue their determination in a proceeding not later than 11 months after the conclusion of the 21-day settlement conference period under subsection (b)(3)(C)(vi), but, in the case of a proceeding to determine successors to rates or terms that expire on a specified date, in no event later than 15 days before the expiration of the then current statutory rates and terms.

''(2) REHEARINGS.—

''(A) IN GENERAL.—The Copyright Royalty Judges may, in exceptional cases, upon motion of a participant under subsection (b)(2), order a rehearing, after the determination in a proceeding is issued under paragraph (1), on such matters as the Copyright Royalty Judges determine to be appropriate.

''(B) TIMING FOR FILING MOTION.—Any motion for a rehearing under subparagraph (A) may only be filed within 15 days after the date on which the Copyright Royalty Judges deliver their initial determination concerning rates and terms to the participants in the proceeding.

''(C) PARTICIPATION BY OPPOSING PARTY NOT REQUIRED.—In any case in which a rehearing is ordered, any opposing party shall not be required to participate in the rehearing.

''(D) NO NEGATIVE INFERENCE.—No negative inference shall be drawn from lack of participation in a rehearing.

''(E) CONTINUITY OF RATES AND TERMS.—(i) If the decision of the Copyright Royalty Judges on any motion for a rehearing is not rendered before the expiration of the statutory rates and terms that were previously in effect, in the case of a proceeding to determine successors to rates and terms that expire on a specified date, then—

''(I) the initial determination of the Copyright Royalty Judges that is the subject of the rehearing motion shall be effective as of the day following the date on which the rates and terms that were previously in effect expire; and

''(II) in the case of a proceeding under section 114(f)(1)(C) or 114(f)(2)(C), royalty rates and terms shall, for purposes of section 114(f)(4)(B), be deemed to have been set at those rates and terms contained in the initial determination of the Copyright Royalty Judges that is the subject of the rehearing motion, as of the date of that determination.

''(ii) The pendency of a motion for a rehearing under this paragraph shall not relieve persons obligated to make royalty payments who would be affected by the determination on that motion from providing the statements of account and any reports of use, to the extent required, and paying the royalties required under the relevant determination or regulations.

''(iii) Notwithstanding clause (ii), whenever royalties described in clause (ii) are paid to a person other than the Copyright Office, the entity designated by the Copyright Royalty Judges to which such royalties are paid by the copyright user (and any successor thereto) shall, within 60 days after the motion for rehearing is resolved or, if the motion is granted, within 60 days after the rehearing is concluded, return any excess amounts previously paid to the extent necessary to comply with the final determination of royalty rates by the Copyright Royalty Judges.

''(3) CONTENTS OF DETERMINATION.—A determination of the Copyright Royalty Judges shall be accompanied by the written record, and shall set forth the facts that the Copyright Royalty Judges found relevant to their determination. Among other terms adopted in a determination, the Copyright Royalty Judges may specify notice and recordkeeping requirements of users of the copyrights at issue that apply in lieu of those that would otherwise apply under regulations.

''(4) CONTINUING JURISDICTION.—The Copyright Royalty Judges may amend the determination or the regulations issued pursuant to the determination in order to correct any technical errors in the determination or to respond to unforeseen circumstances that preclude the proper effectuation of the determination.

''(5) PROTECTIVE ORDER.—The Copyright Royalty Judges may issue such orders as may be appropriate to protect confidential information, including orders excluding confidential information from the record of the determination that is published or made available to the public, except that any terms or rates of royalty payments or distributions may not be excluded.

''(6) PUBLICATION OF DETERMINATION.—The Librarian of Congress shall cause the determination, and any corrections thereto, to be published in the Federal Register. The Librarian of Congress shall also publicize the determination and corrections in such other manner as the Librarian considers appropriate, including, but not limited to, publication on the Internet. The Librarian of Congress shall also make the determination, corrections, and the accompanying record available for public inspection and copying.

''(d) JUDICIAL REVIEW.—

''(1) APPEAL.—Any determination of the Copyright Royalty Judges under subsection (c) may, within 30 days after the publication of the determination in the Federal Register, be appealed, to the United States Court of Appeals for the District of Columbia Circuit, by any aggrieved participant in the proceeding under subsection (b)(2) who fully participated in the proceeding and who would be bound by the determination. If no appeal is brought within that 30-day period, the determination of the Copyright Royalty Judges shall be final, and the royalty fee or determination with respect to the distribution of fees, as the case may be, shall take effect as set forth in paragraph (2).

''(2) EFFECT OF RATES.—

''(A) EXPIRATION ON SPECIFIED DATE.—When this title provides that the royalty rates and terms that were previously in effect are to expire on a specified date, any adjustment or determination by the Copyright Royalty Judges of successor rates and terms for an ensuing statutory license period shall be effective as of the day following the date of expiration of the rates and terms that were previously in effect, even if the determination of the Copyright Royalty Judges is rendered on a later date.

''(B) OTHER CASES.—In cases where rates and terms do not expire on a specified date or have not yet been established, successor or new rates or terms shall take effect on the first day of the second month that begins after the publication of the determination of the Copyright Royalty Judges in the Federal Register, except as otherwise provided in this title, and the rates and terms previously in effect, to the extent applicable, shall remain in effect until such successor rates and terms become effective.

''(C) OBLIGATION TO MAKE PAYMENTS.—(i) The pendency of an appeal under this subsection shall not relieve persons obligated to make royalty payments under section 111, 112, 114, 115, 116, 118, 119, or 1003, who would be affected by the determination on appeal, from providing the statements of account (and any report of use, to the extent required) and paying the royalties required under the relevant determination or regulations.

''(ii) Notwithstanding clause (i), whenever royalties described in clause (i) are paid to a person other than the Copyright Office, the entity designated by the Copyright Royalty Judges to which such royalties are paid by the copyright user (and any successor thereto) shall, within 60 days after the final resolution of the appeal, return any excess amounts previously paid (and interest thereon, if ordered pursuant to paragraph (3)) to the extent necessary to comply with the final determination of royalty rates on appeal.

''(3) JURISDICTION OF COURT.—If the court, pursuant to section 706 of title 5, modifies or vacates a determination of the Copyright Royalty Judges, the court may enter its own determination with respect to the amount or distribution of royalty fees and costs, and order the repayment of any excess fees, the payment of any underpaid fees, and the payment of interest pertaining respectively thereto, in accordance with its final judgment. The court may also vacate the determination of the Copyright Royalty Judges and remand the case to the Copyright Royalty Judges for further proceedings in accordance with subsection (a).

''(e) ADMINISTRATIVE MATTERS.—

''(1) DEDUCTION OF COSTS OF LIBRARY OF CONGRESS AND COPYRIGHT OFFICE FROM FILING FEES.—

''(A) DEDUCTION FROM FILING FEES.—The Librarian of Congress may, to the extent not otherwise provided under this title, deduct from the filing fees collected under subsection (b) for a particular proceeding under this chapter the reasonable costs incurred by the Librarian of Congress, the Copyright Office, and the Copyright Royalty Judges in conducting that proceeding, other than the salaries of the Copyright Royalty Judges and the 3 staff members appointed under section 802(b).

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the costs of proceedings under this chapter not covered by the filing fees collected under subsection (b). All funds made available pursuant to this subparagraph shall remain available until expended.

''(2) POSITIONS REQUIRED FOR ADMINISTRATION OF COMPULSORY LICENSING.—Section 307 of the Legislative Branch Appropriations Act, 1994, shall not apply to employee positions in the Library of Congress that are required to be filled in order to carry out section 111, 112, 114, 115, 116, 118, or 119 or chapter 10.

''§ 804. Institution of proceedings

''(a) FILING OF PETITION.—With respect to proceedings referred to in paragraphs (1) and (2) of section 801(b) concerning the determination or adjustment of royalty rates as provided in sections 111, 112, 114, 115, 116, 118, and 1004, during the calendar years specified in the schedule set forth in subsection (b), any owner or user of a copyrighted work whose royalty rates are specified by this title, or are established under this chapter before or after the enactment of the Copyright Royalty and Distribution Reform Act of 2004, may file a petition with the Copyright Royalty Judges declaring that the petitioner requests a determination or adjustment of the rate. The Copyright Royalty Judges shall make a determination as to whether the petitioner has such a significant interest in the royalty rate in which a determination or adjustment is requested. If the Copyright Royalty Judges determine that the petitioner has such a significant interest, the Copyright Royalty Judges shall cause notice of this determination, with the reasons therefor, to be published in the Federal Register, together with the notice of commencement of proceedings under this chapter. With respect to proceedings under paragraph (1) of section 801(b) concerning the determination or adjustment of royalty rates as provided in sections 112 and 114, during the calendar years specified in the schedule set forth in subsection (b), the Copyright Royalty Judges shall cause notice of commencement of proceedings under this chapter to be published in the Federal Register as provided in section 803(b)(1)(A).

''(b) TIMING OF PROCEEDINGS.—

''(1) SECTION 111 PROCEEDINGS.—(A) A petition described in subsection (a) to initiate proceedings under section 801(b)(2) concerning the adjustment of royalty rates under section 111 to which subparagraph (A) or (D) of section 801(b)(2) applies may be filed during the year 2005 and in each subsequent fifth calendar year.

''(B) In order to initiate proceedings under section 801(b)(2) concerning the adjustment of royalty rates under section 111 to which subparagraph (B) or (C) of section 801(b)(2) applies, within 12 months after an event described in either of those subsections, any owner or user of a copyrighted work whose royalty rates are specified by section 111, or by a rate established under this chapter before or after the enactment of the Copyright Royalty and Distribution Reform Act of 2004, may file a petition with the Copyright Royalty Judges declaring that the petitioner requests an adjustment of the rate. The Copyright Royalty Judges shall then proceed as

set forth in subsection (a) of this section. Any change in royalty rates made under this chapter pursuant to this subparagraph may be reconsidered in the year 2005, and each fifth calendar year thereafter, in accordance with the provisions in section 801(b)(3)(B) or (C), as the case may be. A petition for adjustment of rates under section 11(d)(1)(B) as a result of a change is the rules and regulations of the Federal Communications Commission shall set forth the change on which the petition is based.

''(C) Any adjustment of royalty rates under section 111 shall take effect as of the first accounting period commencing after the publication of the determination of the Copyright Royalty Judges in the Federal Register, or on such other date as is specified in that determination.

''(2) CERTAIN SECTION 112 PROCEEDINGS.—Proceedings under this chapter shall be commenced in the year 2007 to determine reasonable terms and rates of royalty payments for the activities described in section 112(e)(1) relating to the limitation on exclusive rights specified by section 114(d)(1)(C)(iv), to become effective on January 1, 2009. Such proceedings shall be repeated in each subsequent fifth calendar year.

''(3) SECTION 114 AND CORRESPONDING 112 PROCEEDINGS.—

''(A) FOR ELIGIBLE NONSUBSCRIPTION SERVICES AND NEW SUBSCRIPTION SERVICES.—Proceedings under this chapter shall be commenced as soon as practicable after the effective date of the Copyright Royalty and Distribution Reform Act of 2004 to determine reasonable terms and rates of royalty payments under sections 114 and 112 for the activities of eligible nonsubscription transmission services and new subscription services, to be effective for the period beginning on January 1, 2006, and ending on December 31, 2010. Such proceedings shall next be commenced in January 2009 to determine reasonable terms and rates of royalty payments, to become effective on January 1, 2011. Thereafter, such proceedings shall be repeated in each subsequent fifth calendar year.

''(B) FOR PREEXISTING SUBSCRIPTION AND SATELLITE DIGITAL AUDIO RADIO SERVICES.—Proceedings under this chapter shall be commenced in January 2006 to determine reasonable terms and rates of royalty payments under sections 114 and 112 for the activities of preexisting subscription services, to be effective during the period beginning on January 1, 2008, and ending on December 31, 2012, and preexisting satellite digital audio radio services, to be effective during the period beginning on January 1, 2007, and ending on December 31, 2012. Such proceedings shall next be commenced in 2011 to determine reasonable terms and rates of royalty payments, to become effective on January 1, 2013. Thereafter, such proceedings shall be repeated in each subsequent fifth calendar year.

''(C)(i) Notwithstanding any other provision of this chapter, this subparagraph shall govern proceedings commenced pursuant to sections 114(f)(1)(C) and 114(f)(2)(C) concerning new types of services.

''(ii) Not later than 30 days after a petition to determine rates and terms for a new type of service that is filed by any copyright owner of sound recordings, or such new type of service, indicating that such new type of service is or is about to become operational, the Copyright Royalty Judges shall issue a notice for a proceeding to determine rates and terms for such service.

''(iii) The proceeding shall follow the schedule set forth in such subsections (b), (c), and (d) of section 803, except that—

''(I) the determination shall be issued by not later than 24 months after the publication of the notice under clause (ii); and

''(II) the decision shall take effect as provided in subsections (c)(2) and (d)(2) of section 803 and section 114(f)(4)(B)(ii) and (C).

''(iv) The rates and terms shall remain in effect for the period set forth in section 114(f)(1)(C) or 114(f)(2)(C), as the case may be.

''(4) SECTION 115 PROCEEDINGS.—A petition described in subsection (a) to initiate proceedings under section 801(b)(1) concerning the adjustment or determination of royalty rates as provided in section 115 may be filed in the year 2006 and in each subsequent fifth calendar year, or at such other times as the parties have agreed under section 115(c)(3)(B) and (C).

''(5) SECTION 116 PROCEEDINGS.—(A) A petition described in subsection (a) to initiate proceedings under section 801(b) concerning the determination of royalty rates and terms as provided in section 116 may be filed at any time within 1 year after negotiated licenses authorized by section 116 are terminated or expire and are not replaced by subsequent agreements.

''(B) If a negotiated license authorized by section 116 is terminated or expires and is not replaced by another such license agreement which provides permission to use a quantity of musical works not substantially smaller than the quantity of such works performed on coin-operated phonorecord players during the 1-year period ending March 1, 1989, the Copyright Royalty Judges shall, upon petition filed under paragraph (1) within 1 year after such termination or expiration, commence a proceeding to promptly establish an interim royalty rate or rates for the public performance by means of a coin-operated phonorecord player of nondramatic musical works embodied in phonorecords which had been subject to the terminated or expired negotiated license agreement. Such rate or rates shall be the same as the last such rate or rates and shall remain in force until the conclusion of proceedings by the Copyright Royalty Judges, in accordance with section 803, to adjust the royalty rates applicable to such works, or until superseded by a new negotiated license agreement, as provided in section 116(b).

''(6) SECTION 118 PROCEEDINGS.—A petition described in subsection (a) to initiate proceedings under section 801(b)(1) concerning the determination of reasonable terms and rates of royalty payments as provided in section 118 may be filed in the year 2006 and in each subsequent fifth calendar year.

''(7) SECTION 1004 PROCEEDINGS.—A petition described in subsection (a) to initiate proceedings under section 801(b)(1) concerning the adjustment of reasonable royalty rates under section 1004 may be filed as provided in section 1004(a)(3).

''(8) PROCEEDINGS CONCERNING DISTRIBUTION OF ROYALTY FEES.—With respect to proceedings under section 801(b)(3) concerning the distribution of royalty fees in certain circumstances under section 111, 116, 119, or 1007, the Copyright Royalty Judges shall, upon a determination that a controversy exists concerning such distribution, cause to be published in the Federal Register notice of commencement of proceedings under this chapter.

''§ 805. General rule for voluntarily negotiated agreements

''Any rates or terms under this title that—

''(1) are agreed to by participants to a proceeding under section 803(b)(2),

''(2) are adopted by the Copyright Royalty Judges as part of a determination under this chapter, and

''(3) are in effect for a period shorter than would otherwise apply under a determination pursuant to this chapter,

shall remain in effect for such period of time as would otherwise apply under such determination, except that the Copyright Royalty Judges shall adjust the rates pursuant to the voluntary negotiations to reflect national monetary inflation during the additional period the rates remain in effect.''.

(b) CONFORMING AMENDMENT.—The table of chapters for title 17, United States Code, is amended by striking the item relating to chapter 8 and inserting the following:

''8. Proceedings by Copyright Royalty Judges ..... 801''.

SEC. 4. DEFINITION.

Section 101 is amended by inserting after the definition of ''copies'' the following:

''A 'Copyright Royalty Judge' is a Copyright Royalty Judge appointed under section 802 of this title, and includes any individual serving as an interim Copyright Royalty Judge under such section.''.

SEC. 5. TECHNICAL AMENDMENTS.

(a) CABLE RATES.—Section 111(d) is amended—

(1) in paragraph (2), in the second sentence, by striking ''a copyright arbitration royalty panel'' and inserting ''the Copyright Royalty Judges.''; and

(2) in paragraph (4)—

(A) in subparagraph (A), by striking ''Librarian of Congress'' each place it appears and inserting ''Copyright Royalty Judges'';

(B) in subparagraph (B)—

(i) in the first sentence, by striking ''Librarian of Congress shall, upon the recommendation of the Register of Copyrights,'' and inserting ''Copyright Royalty Judges shall'';

(ii) in the second sentence, by striking ''Librarian determines'' and inserting ''Copyright Royalty Judges determine''; and

(iii) in the third sentence—

(I) by striking ''Librarian'' each place it appears and inserting ''Copyright Royalty Judges''; and

(II) by striking ''convene a copyright arbitration royalty panel'' and inserting ''conduct a proceeding''; and

(C) in subparagraph (C), by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''.

(b) EPHEMERAL RECORDINGS.—Section 112(e) is amended—

(1) in paragraph (3)—

(A) by amending the first sentence to read as follows: ''Voluntary negotiation proceedings initiated pursuant to section 804(a) for the purpose of determining reasonable terms and rates of royalty payments for the activities specified by paragraph (1) shall cover the 5-year period beginning on January 1 of the second year following the year in which the proceedings are commenced, or such other period as the parties may agree.''; and

(B) in the third sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(2) in paragraph (4)—

(A) by amending the first sentence to read as follows: ''In the absence of license agreements negotiated under paragraphs (2) and (3), the Copyright Royalty Judges shall commence a proceeding pursuant to chapter 8 to determine and publish in the Federal Register a schedule of reasonable rates and terms which, subject to paragraph (5), shall be binding on all copyright owners of sound recordings and transmitting organizations entitled to a statutory license under this subsection during the 5-year period specified in paragraph (3), or such other period as the parties may agree.'';

(B) by striking ''copyright arbitration royalty panel'' each subsequent place it appears and inserting ''Copyright Royalty Judges'';

(C) in the fourth sentence, by striking ''its decision'' and inserting ''their decision''; and

(D) in the last sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(3) in paragraph (5), by striking ''or decision by the Librarian of Congress'' and inserting '', decision by the Librarian of Congress, or determination by the Copyright Royalty Judges'';

(4) by striking paragraph (6) and redesignating paragraphs (7), (8), and (9), as paragraphs (6), (7), and (8), respectively; and

(5) in paragraph (6)(A), as so redesignated, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''.

(c) SCOPE OF EXCLUSIVE RIGHTS IN SOUND RECORDINGS.—Section 114(f) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by amending the first sentence to read as follows: ''Voluntary negotiation proceedings initiated pursuant to section 804(a) for the purpose of determining reasonable terms and rates of royalty payments for subscription transmissions by preexisting subscription services and transmissions by preexisting satellite digital audio radio services shall cover the 5-year period beginning on January 1 of the year following the second year in which the proceedings are commenced, except where differential transitional periods are provided in section 804(b)(3), or such other period as the parties may agree.''; and

(ii) in the third sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(B) in subparagraph (B)—

(i) by amending the first sentence to read as follows: ''In the absence of license agreements negotiated under subparagraph (A), the Copyright Royalty Judges shall commence a proceeding pursuant to chapter 8 to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (3), shall be binding on all copyright owners of sound recordings and entities performing sound recordings affected by this paragraph during the 5-year period specified in subparagraph (A), or such other date as the parties may agree.''; and

(ii) in the second sentence, by striking ''copyright arbitration royalty panel'' and inserting ''Copyright Royalty Judges''; and

(C) by amending subparagraph (C) to read as follows:

''(C) The procedures under subparagraphs (A) and (B) also shall be initiated pursuant to a petition filed by any copyright owners of sound recordings, any preexisting subscription services, or any preexisting satellite digital audio radio services indicating that a new type of subscription digital audio transmission service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of transmission service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for subscription digital audio transmission services most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by amending the first sentence to read as follows: ''Voluntary negotiation proceedings initiated pursuant to section 804(a) for the purpose of determining reasonable terms and rates of royalty payments for public performances of sound recordings by means of eligible nonsubscription transmissions and transmissions by new subscription services specified by subsection (d)(2) shall cover the 5-year period beginning on January 1 of the second year following the year in which the proceedings are commenced, except where different transitional periods are provided in section 804(b)(3)(A), or such other period as the parties may agree.''; and

(ii) in the third sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(B) in subparagraph (B)—

(i) by amending the first sentence to read as follows: ''In the absence of license agreements negotiated under subparagraph (A), the Copyright Royalty Judges shall commence a proceeding pursuant to chapter 8 to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (3), shall be binding on all copyright owners of sound recordings and entities performing sound recordings affected by this paragraph during the period specified in subparagraph (A), or such other period as the parties may agree.''; and

(ii) by striking ''copyright arbitration royalty panel'' each subsequent place it appears and inserting ''Copyright Royalty Judges''; and

(C) by amending subparagraph (C) to read as follows:

''(C) The procedures under subparagraphs (A) and (B) shall also be initiated pursuant to a petition filed by any copyright owners of sound recordings or any eligible nonsubscription service or new subscription service indicating that a new type of eligible nonsubscription service or new subscription service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for preexisting subscription digital audio transmission services or preexisting satellite digital radio audio services, as the case may be, most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.'';

(3) in paragraph (3), by striking ''or decision by the Librarian of Congress'' and inserting '', decision by the Librarian of Congress, or determination by the Copyright Royalty Judges''; and

(4) in paragraph (4), by striking ''Librarian of Congress'' each place it appears and inserting ''Copyright Royalty Judges''.

(d) PHONORECORDS OF NONDRAMATIC MUSICAL WORKS.—Section 115(c)(3) is amended—

(1) in subparagraph (A)(ii), by striking ''(F)'' and inserting ''(E)'';

(2) in subparagraph (B)—

(A) by striking ''under this paragraph'' and inserting ''under this section''; and

(B) by striking ''subparagraphs (B) through (F)'' and inserting ''this subparagraph and subparagraphs (B) through (E)'';

(3) in subparagraph (C)—

(A) by amending the first sentence to read as follows: ''Voluntary negotiation proceedings initiated pursuant to a petition filed under section 804(a) for the purpose of determining reasonable terms and rates of royalty payments for the activities specified by this section shall cover the period beginning with the effective date of such terms and rates, but not earlier than January 1 of the second year following the year in which the petition is filed, and ending on the effective date of successor terms and rates, or such other period as the parties may agree.''; and

(B) in the third sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(4) in subparagraph (D)—

(A) by amending the first sentence to read as follows: ''In the absence of license agreements negotiated under subparagraphs (B) and (C), the Copyright Royalty Judges shall commence proceedings pursuant to chapter 8 to determine and publish in the Federal Register a schedule of rates and terms which, subject to subparagraph (E), shall be binding on all copyright owners of nondramatic musical works and persons entitled to obtain a compulsory license under subsection (a)(1) during the period specified in subparagraph (C) or such other period as may be determined pursuant to subparagraphs (B) and (C), or such other period as the parties may agree.'';

(B) in the third sentence, by striking ''copyright arbitration royalty panel'' and inserting ''Copyright Royalty Judges''; and

(C) in the last sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(5) in subparagraph (E)—

(A) in clause (i)—

(i) in the first sentence, by striking ''the Librarian of Congress'' and inserting ''a copyright arbitration royalty panel, the Librarian of Congress, or the Copyright Royalty Judges''; and

(ii) in the second sentence, by striking ''(C), (D) or (F) shall be given effect'' and inserting ''(C) or (D) shall be given effect as to digital phonorecord deliveries''; and

(B) in clause (ii)(I), by striking ''(C), (D) or (F)'' each place it appears and inserting ''(C) or (D)''; and

(6) by striking subparagraph (F) and redesignating subparagraphs (G) through (L) as subparagraphs (F) through (K), respectively.

(e) COIN-OPERATED PHONORECORD PLAYERS.—Section 116 is amended—

(1) in subsection (b), by amending paragraph (2) to read as follows:

''(2) CHAPTER 8 PROCEEDING.—Parties not subject to such a negotiation may have the terms and rates and the division of fees described in paragraph (1) determined in a proceeding in accordance with the provisions of chapter 8.''; and

(2) in subsection (c)—

(A) in the subsection heading, by striking ''COPYRIGHT ARBITRATION ROYALTY PANEL DETERMINATIONS'' and inserting ''DETERMINATIONS BY COPYRIGHT ROYALTY JUDGES''; and

(B) by striking ''a copyright arbitration royalty panel'' and inserting ''the Copyright Royalty Judges''.

(f) USE OF CERTAIN WORKS IN CONNECTION WITH NONCOMMERCIAL BROADCASTING.—Section 118 is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(ii) by striking the second and third sentences;

(B) in paragraph (2), by striking ''the Librarian of Congress:'' and all that follows through the end of the sentence and inserting ''a copyright arbitration royalty panel, the Librarian of Congress, or the Copyright Royalty Judge, if copies of such agreements are filed with the Copyright Royalty Judges within 30 days of execution in accordance with regulations that the Copyright Royalty Judges shall issue.''; and

(C) in paragraph (3)—

(i) in the second sentence—

(I) by striking ''copyright arbitration royalty panel'' and inserting ''Copyright Royalty Judges''; and

(II) by striking ''paragraph (2).'' and inserting ''paragraph (2) or (3).'';

(ii) in the last sentence, by striking '''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(iii) by striking ''(3) In'' and all that follows through the end of the first sentence and inserting the following:

''(3) Voluntary negotiation proceedings initiated pursuant to a petition filed under section 804(a) for the purpose of determining a schedule of terms and rates of royalty payments by public broadcasting entities to copyright owners in works specified by this subsection and the proportionate division of fees paid among various copyright owners shall cover the 5-year period beginning on January 1 of the second year following the year in which the petition is filed. The parties to each negotiation proceeding shall bear their own costs.

''(4) In the absence of license agreements negotiated under paragraph (2) or (3), the Copyright Royalty Judges shall, pursuant to chapter 8, conduct a proceeding to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (2), shall be binding on all owners of copyright in works specified by this subsection and public broadcasting entities, regardless of whether such copyright owners have submitted proposals to the Copyright Royalty Judges.'';

(2) by striking subsection (c) and redesignating subsections (d) through (g) as subsections (c) through (f), respectively;

(3) in subsection (c), as so redesignated, in the matter preceding paragraph (1)—

(A) by striking ''(b)(2)'' and inserting ''(b)(2) or (3)'';

(B) by striking ''(b)(3)'' and inserting ''(b)(4)''; and

(C) by striking ''a copyright arbitration royalty panel'' and inserting ''the Copyright Royalty Judges'';

(4) in subsection (d), as so redesignated—

(A) by striking ''in the Copyright Office'' and inserting ''with the Copyright Royalty Judges''; and

(B) by striking ''Register of Copyrights'' and inserting ''Copyright Royalty Judges''; and

(5) in subsection (f), as so redesignated, by striking ''(d)'' and inserting ''(c)''.

(g) SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—Section 119(b) is amended—

(1) in paragraph (3), by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(2) in paragraph (4)—

(A) in subparagraph (A), by striking ''Librarian of Congress'' each place it appears and inserting ''Copyright Royalty Judges''; and

(B) by amending subparagraphs (B) and (C) to read as follows:

''(B) DETERMINATION OF CONTROVERSY; DISTRIBUTIONS.—After the first day of August of each year, the Copyright Royalty Judges shall determine whether there exists a controversy concerning the distribution of royalty fees. If the Copyright Royalty Judges determine that no such controversy exists, the Librarian of Congress shall, after deducting reasonable administrative costs under this paragraph, distribute such fees to the copyright owners entitled to receive them, or to their designated agents. If the Copyright Royalty Judges find the existence of a controversy, the Copyright Royalty Judges shall, pursuant to chapter 8 of this title, conduct a proceeding to determine the distribution of royalty fees.

''(C) WITHHOLDING OF FEES DURING CONTROVERSY.—During the pendency of any proceeding under this subsection, the Copyright Royalty Judges shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, subject to any distributions made under section 801(b)(3).''.

(h) DIGITAL AUDIO RECORDING DEVICES.—

(1) ROYALTY PAYMENTS.—Section 1004(a)(3) is amended by striking ''Librarian of Congress'' each place it appears and inserting ''Copyright Royalty Judges''.

(2) ENTITLEMENT TO ROYALTY PAYMENTS.—Section 1006(c) is amended by striking ''Librarian of Congress shall convene a copyright arbitration royalty panel which'' and inserting ''Copyright Royalty Judges''.

(3) PROCEDURES FOR DISTRIBUTING ROYALTY PAYMENTS.—Section 1007 is amended—

(A) in subsection (a), by amending paragraph (1) to read as follows:

''(1) FILING OF CLAIMS.—During the first 2 months of each calendar year, every interested copyright party seeking to receive royalty payments to which such party is entitled under section 1006 shall file with the Copyright Royalty Judges a claim for payments collected during the preceding year in such form and manner as the Copyright Royalty Judges shall prescribe by regulation.''; and

(B) by amending subsections (b) and (c) to read as follows:

''(b) DISTRIBUTION OF PAYMENTS IN THE ABSENCE OF A DISPUTE.—After the period established for the filing of claims under subsection (a), in each year, the Copyright Royalty Judges shall determine whether there exists a controversy concerning the distribution of royalty payments under section 1006(c). If the Copyright Royalty Judges determine that no such controversy exists, the Librarian of Congress shall, within 30 days after such determination, authorize the distribution of the royalty payments as set forth in the agreements regarding the distribution of royalty payments entered into pursuant to subsection (a). The Librarian of Congress shall, before such royalty payments are distributed, deduct the reasonable administrative costs incurred by the Librarian under this section.

''(c) RESOLUTION OF DISPUTES.—If the Copyright Royalty Judges find the existence of a controversy, the Copyright Royalty Judges shall, pursuant to chapter 8 of this title, conduct a proceeding to determine the distribution of royalty payments. During the pendency of such a proceeding, the Copyright Royalty Judges shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, but shall, to the extent feasible, authorize the distribution of any amounts that are not in controversy. The Librarian of Congress shall, before such royalty payments are distributed, deduct the reasonable administrative costs incurred by the Librarian under this section.''.

(4) DETERMINATION OF CERTAIN DISPUTES.—(A) Section 1010 is amended to read as follows:

''§ 1010. Determination of certain disputes

''(a) SCOPE OF DETERMINATION.—Before the date of first distribution in the United States of a digital audio recording device or a digital audio interface device, any party manufacturing, importing, or distributing such device, and any interested copyright party may mutually agree to petition the Copyright Royalty Judges to determine whether such device is subject to section 1002, or the basis on which royalty payments for such device are to be made under section 1003.

''(b) INITIATION OF PROCEEDINGS.—The parties under subsection (a) shall file the petition with the Copyright Royalty Judges requesting the commencement of a proceeding. Within 2 weeks after receiving such a petition, the Chief Copyright Royalty Judge shall cause notice to be published in the Federal Register of the initiation of the proceeding.

''(c) STAY OF JUDICIAL PROCEEDINGS.—Any civil action brought under section 1009 against a party to a proceeding under this section shall, on application of one of the parties to the proceeding, be stayed until completion of the proceeding.

''(d) PROCEEDING.—The Copyright Royalty Judges shall conduct a proceeding with respect to the matter concerned, in accordance with such procedures as the Copyright Royalty Judges may adopt. The Copyright Royalty Judges shall act on the basis of a fully documented written record. Any party to the proceeding may submit relevant information and proposals to the Copyright Royalty Judges. The parties to the proceeding shall each bear their respective costs of participation.

''(e) JUDICIAL REVIEW.—Any determination of the Copyright Royalty Judges under subsection (d) may be appealed, by a party to the proceeding, in accordance with section 803(d) of this title. The pendency of an appeal under this subsection shall not stay the determination of the Copyright Royalty Judges. If the court modifies the determination of the Copyright Royalty Judges, the court shall have jurisdiction to enter its own decision in accordance with its final judgment. The court may further vacate the determination of the Copyright Royalty Judges and remand the case for proceedings as provided in this section.''.

(B) The item relating to section 1010 in the table of sections for chapter 10 is amended to read as follows:

''1010. Determination of certain disputes.''.

SEC. 6. EFFECTIVE DATE AND TRANSITION PROVISIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 6 months after the date of the enactment of this Act, except that the Librarian of Congress shall appoint interim Copyright Royalty Judges under section 802(d) of title 17, United States Code, as amended by this Act, within 90 days after such date of enactment to carry out the functions of the Copyright Royalty Judges under title 17, United States Code, to the extent that Copyright Royalty Judges provided for in section 801(a) of title 17, United States Code, as amended by this Act, have not been appointed before the end of that 90-day period.

(b) TRANSITION PROVISIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this Act shall not affect any proceedings commenced, petitions filed, or voluntary agreements entered into before the enactment of this Act under the provisions of title 17, United States Code, amended by this Act, and pending on such date of enactment. Such proceedings shall continue, determinations made in such proceedings, and appeals taken therefrom, as if this Act had not been enacted, and shall continue in effect until modified under title 17, United States Code, as amended by this Act. Such petitions filed and voluntary agreements entered into shall remain in effect as if this Act had not been enacted.

(2) EFFECTIVE PERIODS FOR CERTAIN RATE-MAKING PROCEEDINGS.—Notwithstanding paragraph (1), terms and rates in effect under section 114(f)(2) or 112(e) of title 17, United States Code, for new subscription services, eligible nonsubscription services, and services exempt under section 114(d)(1)(C)(iv) of such title for the period 2003 through 2004, and any rates published in the Federal Register under the authority of the Small Webcaster Settlement Act of 2002 for the years 2003 through 2004, shall be effective until the first applicable effective date for successor terms and rates specified in section 804(b)(2) or (3)(A) of title 17, United States Code, or until such later date as the parties may agree. Any proceeding commenced before the enactment of this Act

pursuant to section 114(f)(2) and chapter 8 of title 17, United States Code, to adjust or determine such rates and terms for periods following 2004 shall be terminated upon the enactment of this Act and shall be null and void.

(c) EXISTING APPROPRIATIONS.—Any funds made available in an appropriations Act before the date of the enactment of this Act to carry out chapter 8 of title 17, United States Code, shall be available to the extent necessary to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN) each will control 20 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 H.R. 1417.

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, I rise in strong support of H.R. 1417, legislation to reform the rate-making and royalty distribution system for compulsory and statutory licenses.

Mr. Speaker, I would like to take this time to thank the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), as well as the gentleman from Texas (Mr. SMITH) and the gentleman from California (Mr. BERMAN), the chairman and ranking minority member of the Subcommittee on the Courts, the Internet and Intellectual Property, for their support in making CARP reform a priority.

By way of background, with the creation of three copyright compulsory licenses in 1976, Congress contemplated the need for an administrative body that would be responsible for adjusting the rates of the statutory licenses from time to time, as well as acting as the distributors of the royalties subject to these licenses.

The resulting entity was the Copyright Royalty Tribunal or the CRT. In 1993, in response to criticisms voiced against the CRT, Congress reassessed the rate-making and royalty distribution system and created the current system, the Copyright Royalty Arbitration Panel, otherwise known as CARPs.

Among other things, H.R. 1417 addresses the uniform complaints that the CARP decisions are unpredictable and inconsistent by changing the structure from ad hoc arbitration panels to three permanent copyright royalty judges. To justify the need for these full-time judges, as well as to alleviate the overwhelming workloads at given periods of time, the bill staggers the timing at which the three various statutory licenses can be heard.

The bill also addresses the complaint that the process is unnecessarily expensive by eliminating the costs of arbitration upon private parties. It does so by creating a specific process designed to give small claimants a more balanced ability to participate. The bill discourages persons or entities from disrupting the process at the 11th hour by requiring potential participants to show that they have a significant interest in the proceedings. In furtherance of marketplace negotiations, the measure establishes a cooling-off period during which time parties are to focus on reaching their own agreements.

Finally, Mr. Speaker, the substitute before us incorporates certain noncontroversial amendments written to accommodate legitimate concerns that evolve after our committee reported the bill out.

Mr. Speaker, H.R. 1417 was painstakingly negotiated among the various congressional, executive, and industry stakeholders. We worked in a bipartisan manner and developed a consensus product that will effectively address an arcane, but important, manner. I urge its adoption.

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

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

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

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 1417, and I ask all of my colleagues to support what I think is fundamentally noncontroversial legislation.

H.R. 1417 has been subjected to an exhaustive review process. It emerged from a hearing before the Subcommittee on the Courts, the Internet, and Intellectual Property during the 107th Congress and from a series of open roundtable discussions convened at the U.S. Copyright Office. Early drafts were shaped by several rounds of written comments from all affected stakeholders.

After introduction of H.R. 1417 early this Congress, the subcommittee held another hearing. The subcommittee then reported by voice vote a substantially refined amendment, and the full Committee on the Judiciary made further significant revisions before also reporting its amendment by voice vote. Thus, the version of H.R. 1417 before us today has been forged through an extensive and open process.

Both the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the chairman of the Subcommittee on the Courts, the Internet, and Intellectual Property, the gentleman from Texas (Mr. SMITH), are to be commended for pushing H.R. 1417 forward. They have devoted significant time and energy to crafting both the substance of this bill and organizing the widespread support behind it. I thank both of them for working so closely with me and my staff, Alec French, in drafting this bill and its various iterations.

The chairmen are also to be commended for ensuring that the bill remedies the procedural effects of the CARP process without straining into substantive copyright law issues that would surely doom its prospects for passage.

H.R. 1417 focuses on a narrow, but complex, goal. It significantly reforms the system for copyright arbitration royalty panels. The U.S. copyright law contains a half dozen statutory licenses that require copyright owners to make their works available to certain users under government-set rates and terms. For instance, the section 114 statutory license allows Webcasters to perform sound recordings under government-set rates and terms. The royalty rates and terms are established by CARPs, which also determine the appropriate distribution of royalties among copyright owners.

There is widespread agreement among copyright owners and users alike that the CARP process is broken. The costs involved are often so high that parties cannot either afford to participate or find that the costs outweigh any potential royalties or efficiencies. The decisions often take too long to issue and thus create uncertainty and confusion among licensers and licensees alike. Finally, even when decisions do issue, they are often overturned or modified, are inconsistent with precedents, and cannot be effectively implemented until corresponding rule-makings are completed.

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H.R. 1417 will go a long way to remedying the defects of the CARP process. While the changes are too copious to list in total, I would like to highlight a few of the improvements made by the bill.

The primary flaw of the CARPs is they are conducted by private arbitrators who often have no prior experience in conducting a statutory license rate-setting or distribution, much less any prior familiarity with the substantive law or industry economics involved. Because the CARP arbitrators have neither the experience nor authority to do so, the Copyright Office is often called on to issue regulations resolving substantive legal issues that arise during CARPs, and all too often, as we saw in the 2002 webcasting CARP, the Copyright Office is called upon to overturn a CARP decision.

H.R. 1417 replaces the part-time arbitrators with a panel of three full-time copyright royalty judges. These three CRJs will be appointed by the Librarian of Congress to serve staggered 6-year terms. Each panel will bring at least 6 years of experience to every rate-setting and distribution proceeding. Further, the Librarian is required to appoint CRJs with a breadth of experience in copyright law, economics and adjudications.

Mr. Speaker, rather than list a number of the key changes in this bill, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin, the chairman of the Committee on the Judiciary, for yielding time.

Mr. Speaker, our country has long worked to support and protect copyright holders to ensure they receive fair compensation for their creative works.

Over the last 20 years, Congress has attempted to develop the appropriate mechanism to govern royalties; that is, how to distribute royalties to those who create and how to adjust royalties when necessary. In other words, we have tried to find a compromise that allows for the fair distribution of royalties when two parties cannot agree on the value of a creative work.

When I say ''fair distribution of royalties'' that could mean many things to different parties, particularly the creators of copyrighted works themselves. It is a major reason why this issue is again before Congress.

Congress established the first entity to deal with this in 1976. Ten years ago, that system was abolished to create the current Copyright Arbitration Royalty Panel, or CARP, system.

This legislation that I authored addresses the main problem: frivolous royalty claims, which is a growing trend, as well as decisions made by the copyright panel that are unpredictable and inconsistent.

Much like another intellectual property rights bill that reforms the Patent and Trademark Office, this legislation is critical to the entertainment industry and a growing economy. It is of great importance to artists, songwriters, music publishers and webcasters.

For example, take the case of a songwriter and a webcaster. If a songwriter cannot reach an agreement with a webcaster about the value of a song in the marketplace, the matter is brought to the copyright royalty and distribution system. The private parties involved, of course, pay for the process.

What happens now is the songwriter or the webcaster, or both, often are not left with much of a royalty payment because the process is too lengthy and too costly. If the songwriter cannot make enough on his creations to support himself, then he will no longer be able to create, and our economy and our society will be the loser.

This is the central reason why we are here today: to ensure that the songwriter has the incentive to create and the webcaster has the benefit of distributing enjoyable musical creations.

Unfortunately, American songwriters and webcasters today are caught up in a royalty system that is anything but fair. The current proceedings to establish royalty rates are long, laborious and costly. They harm our economy and take a tremendous toll on the businesses and persons involved. Congress must reform this broken system, which is exactly what this bill does.

I urge my colleagues to support a balanced and fair process that will, for example, help songwriters and bring a little more melody into the lives of the American people.

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

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

Mr. BERMAN. Mr. Speaker, I am not going to detail all the different provisions contained in this bill. There are many and they are important. They deal with a problem in the past of setting rates retroactively and how under these reforms rates will be set prospectively, and they deal with the integration of the Copyright Office and its role in providing advice and opinions on matters of law into the process.

They create mechanisms for small participants to participate at much less cost than they now participate through all paper rate-setting proceedings, make some changes in evidentiary rules and discovery rules, and at the same time, they enable the copyright owners to negotiate voluntary agreements rather than go through the whole full blown rate-setting and distribution proceedings.

I do want to call the attention of the body to one particular provision which I think is very important. We rationalize in this bill, H.R. 1417, the ability of the parties to engage in voluntary negotiations in the context of the Section 115 statutory license for reproductions of musical compositions. The Section 115 license currently provides copyright owners and users a limited antitrust exemption to collectively negotiate rates and terms for Digital Phonorecord Deliveries of musical compositions. With the acquiescence of the Justice Department, H.R. 1417 extends this narrow antitrust exemption to all of Section 115, so that it now covers similar negotiations for mechanical reproductions of musical compositions, as well as the digital deliveries.

Mr. Speaker, I rise in strong support of H.R. 1417. I ask all my colleagues to support this non-controversial legislation.

H.R. 1417 has received exhaustive process. It emerged from a hearing before the Intellectual Property Subcommittee during the 107th Congress, and from series of open roundtable discussions convened at the U.S. Copyright Office. Early drafts were shaped by several rounds of written comments from all affected stakeholders. After introduction of H.R. 1417 early this Congress, the subcommittee held another hearing. The subcommittee then reported by voice vote a substantially refined amendment, and the full Judiciary Committee made further significant revisions before also reporting its amendment by voice vote. Thus, the version of H.R. 1417 before us today has been forged through an extensive and open process.

Both the chairman of the Judiciary Committee and the chairman of the Intellectual Property Subcommittee are to be commended for pushing H.R. 1417 forward. They have devoted significant time and energy to crafting both the substance of this bill and the widespread support behind it. I thank them both for working so closely with me in drafting this bill and its various iterations.

The chairmen are also to be commended for ensuring that the bill remedies the procedural defects of the CARP process without straying into substantive copyright law issues that would surely doom its prospects for passage.

H.R. 1417 focuses on a narrow but complex goal: It significantly reforms the system for Copyright Arbitration Royalty Panels—or CARP.

U.S. copyright law contains a half-dozen statutory licenses that require copyright owners to make their works available to certain users under Government-set rates and terms. For instance, the section 114 statutory license allows webcasters to perform sound recordings under Government-set rates and terms. The royalty rates and terms are established by CARPs, which also determine the appropriate distribution of royalties among copyright owners.

There is widespread agreement among copyright owners and users alike that the CARP process is broken. The costs involved are often so high that parties either cannot afford to participate, or find that the costs outweigh any potential royalties or efficiencies. The decisions often take too long to issue, and thus create uncertainty and confusion among licensors and licensees alike. Finally, even when decisions do issue, they are often overturned or modified, are inconsistent with precedents, and cannot be effectively implemented until corresponding rule-makings are completed.

H.R. 1417 will go a long way to remedying the defects of the CARP process. While the changes are too copious to list in total, I would like to highlight a few of the improvements made by this bill.

The primary flaw with CARPs is that they are conducted by private arbitrators who often have no prior experience in conducting a statutory license rate-setting or distribution, much less any prior familiarity with the substantive law or industry economics involved. Because the CARP arbitrators have neither the expertise nor authority to do so, the Copyright Office is often called on to issue regulations resolving substantive legal issue that arise during CARPs. And all too often, as we saw in the 2002 webcasting CARP, the Copyright Office is called upon to overturn a CARP decision.

H.R. 1417 replaces the part-time arbitrators with a panel of three full-time Copyright Royalty Judges. These three CRJs will be appointed by the Librarian of Congress to serve staggered 6-year terms. Thus, each panel will bring at least 6 years of collective experience to every rate-setting and distribution proceeding. Further, the Librarian is required to appoint CRJs with a breadth of experience in copyright law, economics, and adjudications.

The bill contains a number of other provisions that further consolidate and strength the authority of the CRJs. For instance, the bill gives CRJs continuing jurisdiction to ensure

that they have the ability ''to respond to unforeseen circumstances that preclude the proper effectuation of the determination.''

The continuity, experience, and enhanced authority of the CRJs should lead to decisions that are quicker, more consistent, more likely to withstand appeal, and in the long run, far less expensive to secure.

While the new CRJs will have requisite authority and expertise to make good decisions, H.R. 1417 ensures they will be able to draw on, and benefit from, from the substantial expertise of the Copyright Office in this area. H.R. 1417 requires that the Librarian consult with the Register of Copyrights when appointing CRJs. Furthermore, the bill requires the CRJs to solicit the written opinion of the Copyright Office on novel questions of law, and allows the CRJs to consult—on the record—with the Register of Copyrights on all matters other than questions of fact.

H.R. 1417 addresses another major flaw of the current CARP process—the fact that the rates for several statutory licenses are set retroactively. The webcasting CARP concluded in 2002 demonstrates the problems with retroactive rate-setting. When rates were set in 2002 for webcasting that occurred between 1998 and 2002, many small webcasters found their viability threatened because they had not set aside enough money to defray the royalty obligations they had already incurred.

H.R. 1417 addresses this problem through a series of interrelated changes to the various statutory licenses. H.R. 1417 ensures that all rates and terms for statutory licenses will be set prospectively, and eliminates the possibility that a time period covered by a statutory license will commence before the establishment of rates and terms.

H.R. 1417 also addresses a variety of concerns about how CARPs gather evidence, conduct hearings, determine participation, requires parties to present their cases, and treat negotiated settlements. In addressing these concerns, H.R. 1417 hews closely to the overall objective of promoting expeditious, well-reasoned, and widely-supported outcomes.

The bill substantially improves the CARP process from the perspective of small participants. H.R. 1417 allows CRJs to conduct an all-paper, rate-setting proceeding, which in many circumstances, should substantially reduce the barriers to participation for small copyright owners and users. H.R. 1417 also creates an expedited small-claims process to facilitate the distribution of royalties to small claimants.

The bill substantially alters some evidentiary rules, while retaining others used by previous CARPs. It allows admission of hearsay ''to the extent deemed appropriate'' by the CRJs, rather than according to the Federal Rules of Evidence, and allows CRJs to issue subpoenas for relevant and material information. It directs the CRJs to conduct discovery conferences for the purpose of setting a schedule for completing discovery.

The bill retains the discovery rules currently used in CARP distribution proceedings because distribution participants expressed general satisfaction with those rules. In rate-setting proceedings, the amendment limits discovery to relevant and material information, and allows the CRJs to deny discovery for good cause. The circumstances that constitute ''good cause'' include where the discovery requests are unreasonably cumulative or duplicative, easily obtainable from another source, the burden or expense outweighs its likely benefit, and other circumstances.

H.R. 1417 clarifies the rules regarding participation on CARP proceedings. It also ensures that only parties who have fully participated in the proceeding, and are bound by its determination, will have the right to appeal that determination.

H.R. 1417 also retains the ability of copyright owners and users, under a number of statutory licenses, to negotiate voluntary agreements rather than suffer through full-blown rate-setting and distribution proceedings. While H.R. 1417 maintains the ability of various statutory licensors and licensees to agree to out-of-cycle rate determinations through voluntary agreements adopted by the CRJs, it allows the CRJs to reject such out-of-cycle determinations if workload concerns so merit.

H.R. 1417 also rationalizes the ability to engage in voluntary negotiations in the context of the section 115 statutory license for reproductions of musical compositions. The section 115 license currently provides copyright owners and users a limited antitrust exemption to collectively negotiate rates and terms for Digital Phonorecord Deliveries of musical compositions. With the acquiescence of the Justice Department, H.R. 1417 extends this narrow antitrust exemption to all of section 115, so that it now covers similar negotiations for mechanical reproductions of musical compositions.

A comprehensive description of this seventy-page bill would take more time than I am allotted, so I will leave off there. However, I will note that adoption of the CARP reform bill is not the end of the story for reforming the CARP system.

Unlike the current CARP system, the bill requires appropriated funds to pay for the new CRJ process. Since Congress has decided the public interest is served by the creation of compulsory licenses in certain instances, it is entirely appropriate that Congress should provide the funds necessary to make the licenses work. CARP costs should not dissipate the meager Government-set royalties received by copyright owners, nor make participation by licensees uneconomical. However, if adequate appropriations are not secured, this legislation will only create further chaos. In this time of record budget deficits, it will take a concerted effort by all interested parties to ensure sufficient appropriations are forthcoming.

In conclusion, Mr. Speaker, I think H.R. 1417 will substantially improve the CARP process, and I ask my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation, H.R. 1417, the Copyright Royalty and Distribution Reform Act. In September 2003, I offered my support during a full Judiciary Committee markup hearing. Mr. SMITH, Mr. BERMAN, and Ranking Member CONYERS are to be commended for their hard work in crafting this legislation.

The bill would replace the existing administrative procedures within the U.S. Copyright Office that determine copyright royalty rates and the distribution of related royalties under various compulsory licenses.

Under the Copyright Royalty Tribunal Reform Act of 1993, the Librarian of Congress has the authority to convene Copyright Arbitration Royalty Panels, or ''CARPs,'' to resolve failed private negotiations between parties that fail to establish rates or to distribute royalties regarding the commercial use of movies, music and other specified copyrighted works.

For years, the CARP system has been criticized for rendering unpredictable and inconsistent decisions, employing arbitrators lacking the expertise to render sound decisions, and for being unnecessarily expensive.

H.R. 1417 is a reasonable bill to cure these concerns and is based on the input and recommendations of Government and industry experts.

H.R. 1417 addresses the problem of lack of arbitrator expertise by appointing a ''Copyright Judge'' to preside over the new process. The Copyright Judge will be appointed by the Librarian of Congress, have full adjudicatory responsibility, and have the authority to make rulings on both the law and rates. The Copyright Judge will select two professional staff members with knowledge of economics, business, and finance. These staff qualifications will also improve the quality of the decisions rendered.

H.R. 1417 redefines the role of the Copyright Office. Presently, acts as an intake agency answering initial case intake questions, as well as an appellate court for CARP decisions by advising the Librarian on cases. This dual role forces the Copyright Office to often decline to answer threshold intake questions for fear of having to review its own decisions at the appellate stage. Under H.R. 1417, the Copyright Office's appellate responsibilities will be removed and the Office will only act in an administrative and advisory capacity by counseling the Copyright Judge on substantive issues as requested.

For small claimants who participate in the CARP process, the substantial expenses are practically preclusive. H.R. 1417 contains provisions to make the process more accessible. First, claimants must declare an ''amount in controversy'' during a distribution determination phase of the proceedings. If the dollar figure is $500 or less, the claimant will be assigned to the small claims process which is a less expensive, ''all-paper'' claim resolution method.

Another provision of H.R. 1417, that benefits both large and small claimants requires the filing of a ''notice of intent to participate'' in either a rate-making or distribution proceeding. This notice requirement will discourage entities from disrupting the process by participating at the last minute. If a party failure to file in a timely manner or fails to pay the required fee, they will be an exclusion of either written or oral participation in that determination. Those exempted as small claimants would not be affected by this requirement.

H.R. contains several procedural changes to make the claim resolution process more convenient for the parties. H.R. 1417 expands the duration of the discovery phase from 45 to 60 days to give parties more time to file their claims. Additionally, the 180-day time-frame for completing the CARP hearing process is amended to require parties complete the hearing phase of a rate-making or distribution determination in six months. The Copyright Judge, at their discretion, could extend this period up to a maximum of 6 additional months.

Mr. Speaker, H.R. 1417 will make changes to the CARP system that promise to benefit

the parties as well as the agents of the copyright adjudication system. I support H.R. 1417, and I urge my colleagues to do likewise.

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation. In the past 2 years, the Committee has held two hearings on concerns with the CARP, the system that sets royalty rates for copyrighted content. People on both sides, the owners and buyers, agree that the current system needs changes. Based on that, subcommittee Chairman SMITH, subcommittee Ranking Member BERMAN, and I introduced legislation, H.R. 1417, that would make substantial procedural changes.

We heard the current system is costly because the copyright owners and users have to pay for the arbitrators. Because copyright law subjects copyright owners and users to a compulsory process, we believe the law should not place this additional financial burden on them. Our bill creates three Copyright Royalty Judges who would be paid from appropriated funds to set royalty rates and distribute royalty fees.

Another complaint was that the CARP does not have adequate rules on how to address hearsay evidence. This bill explicitly requires that the Judges treat hearsay evidence in the same manner that it is treated in Federal court. This will bring uniformity to the proceedings for parties on both sides of royalty disputes.

This bill also alters the terms for which certain royalty rates are in effect. Rates that are determined by the Judges will be in effect for 5 years. This should create some predictability and uniformity for those who rely on the Judges' determinations.

Finally, parties on both sides argued that the substantive standards that the CARP uses to set royalty rates should be changed somehow. In an effort to reach a compromise and pass a bill that does not alter any substantive rights, this bill changes only the procedure for rate settings and distributions.

There will be a substitute amendment to the bill that was worked out by the majority, minority, and all groups interested in the CARP process. I hope we can continue to work on resolving any outstanding issues and moving this bill through the other body.

I urge my colleagues to vote "yes" on this bill as amended.

Mr. BERMAN. Mr. Speaker, seeing no other speakers seeking recognition on my side of the aisle, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time as well.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1417, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

HONORING THE MEN AND WOMEN OF THE DRUG ENFORCEMENT ADMINISTRATION ON ITS 30TH ANNIVERSARY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 412) honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th anniversary.

The Clerk read as follows:

H. RES. 412

Whereas the Drug Enforcement Administration (DEA) was first created by executive order on July 6, 1973, merging the previously separate law enforcement and intelligence agencies responsible for narcotics control;

Whereas the first Administrator of the DEA, John R. Bartels, Jr., was confirmed by the Senate on October 4, 1973;

Whereas since 1973 the men and women of the DEA have served our Nation with courage, vision and determination, protecting all Americans from the scourge of drug trafficking, abuse, and related violence;

Whereas between 1986 and 2002 alone, DEA agents seized over 10,000 kilograms of heroin, 900,000 kilograms of cocaine, 4,600,000 kilograms of marijuana, 113,000,000 dosage units of hallucinogens, and 1,500,000,000 dosage units of methamphetamine, and made over 443,000 arrests of drug traffickers;

Whereas DEA agents continue to lead task forces of Federal, State, and local law enforcement officials throughout the Nation, in a cooperative effort to stop drug trafficking and put drug gangs behind bars;

Whereas throughout its history many DEA employees and members of DEA task forces have given their lives in the defense of our Nation, including: Emir Benitez, Gerald Sawyer, Leslie S. Grosso, Nickolas Fragos, Mary M. Keehan, Charles H. Mann, Anna Y. Mounger, Anna J. Pope, Martha D. Skeels, Mary P. Sullivan, Larry D. Wallace, Ralph N. Shaw, James T. Lunn, Octavio Gonzalez, Francis J. Miller, Robert C. Lightfoot, Thomas J. Devine, Larry N. Carwell, Marcellus Ward, Enrique S. Camarena, James A. Avant, Charles M. Bassing, Kevin L. Brosch, Susan M. Hoefler, William Ramos, Raymond J. Stastny, Arthur L. Cash, Terry W. McNett, George M. Montoya, Paul S. Seema, Everett E. Hatcher, Rickie C. Finley, Joseph T. Aversa, Wallie Howard, Jr., Eugene T. McCarthy, Alan H. Winn, George D. Althouse, Becky L. Dwojeski, Stephen J. Strehl, Richard E. Fass, Juan C. Vars, Jay W. Seale, Meredith Thompson, Frank S. Wallace, Jr., Frank Fernandez, Jr., Kenneth G. McCullough, Carrol June Fields, Rona L. Chafey, Shelly D. Bland, Carrie A. Lenz, Shaun E. Curl, Royce D. Tramel, Alice Faye Hall-Walton, and Elton Armstead;

Whereas many other employees and task force officers of the DEA have been wounded or injured in the line of duty; and

Whereas in its 173 domestic offices and 78 foreign offices worldwide the over 8,800 employees of the DEA continue to hunt down and bring to justice the drug trafficking cartels that seek to poison our citizens with dangerous narcotics: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the DEA on the occasion of its 30th Anniversary;

(2) honors the heroic sacrifice of those of its employees who have given their lives or been wounded or injured in the service of our Nation; and

(3) thanks all the men and women of the DEA for their past and continued efforts to defend the American people from the scourge of illegal drugs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

Mr. PAUL. Mr. Speaker, I want to inquire on whether or not the gentleman on the other side is in opposition to the bill.

The SPEAKER pro tempore. The Chair asks the gentleman from Virginia (Mr. SCOTT), is he opposed to the motion?

Mr. SCOTT of Virginia. Mr. Speaker, I am not opposed to the motion.

Mr. PAUL. In that case, Mr. Speaker, I request the time in opposition.

The SPEAKER pro tempore. Under clause 1(c) of rule XV, the Chair recognizes the gentleman from Texas (Mr. PAUL) to control the time in opposition to the motion.

The Chair now 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 materials on H. Res. 412, the resolution 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 10 minutes, half my time, to the gentleman from Virginia (Mr. SCOTT), and I ask unanimous consent that he be allowed to yield portions of that time as he sees fit.

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, on July 6, 1973, President Richard Nixon first created the Drug Enforcement Administration. The agency was created to address a growing drug problem in the United States. The DEA was the merger of separate law enforcement and intelligence agencies that shared responsibility for enforcing controlled substance laws. At the time, Congress and the administration recognized an increase in the use and the availability of illegal drugs in this country. According to DEA statistics in 1960, only 4 million Americans had ever tried drugs. That number is currently over 74 million.

The DEA continues to defend our Nation from the scourge of illegal drugs. It not only enforces the controlled substances laws and regulations of the United States, but the agency also recommends and supports nonenforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

This mission is as relevant today as it was 30 years ago when the DEA was created. The families and communities affected by drug abuse recognize the important work that the DEA performs. The DEA's steadfast commitment to bringing drug traffickers to justice is crucial to protecting our communities.

The DEA leads task forces of Federal, State and local law enforcement officials throughout the Nation in a cooperative effort to stop drug trafficking. However, these partnerships are not limited to our borders, as evidenced by the more than 70 field offices worldwide.

The efforts of the DEA domestically and abroad are vital to our national security. The war on terrorism is fought on many fronts, including drug trafficking. It is apparent that there have been connections between the drug trade and terrorist activities. The DEA will continue this fight in an effort to remove another avenue of financing for terrorism.

Today, this Congress recognizes the important work of this agency and thanks its employees, both past and present, for their continued efforts to block the flow of drugs into America's cities and towns. This resolution also acknowledges that the war on drugs is not without loss and gives special recognition to those who have lost their life or who have been injured in pursuit of this noble cause.

I urge my colleagues to support this resolution to honor the men and women who have served, and continue to serve, our country as a part of the Drug Enforcement Administration.

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

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

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

Mr. PAUL. Mr. Speaker, I rise in opposition to the resolution but obviously not because we should not honor the men who were asked to do their duty and lost their lives. It is for another reason.

I would like to call attention to my colleagues and to the Congress the lack of success on the war on drugs. The war has been going on for 30 years. The success is not there, and I think we are deceiving ourselves if we think that everything is going well and that we have achieved something, because there is really no evidence for that. Not only that, there have been many unintended consequences that we fail to look at, and I want to take this time to make that the point and try to get some of us to think that there may be another way to fight the war on drugs.

I do not know of anybody who likes drugs and advocates the use of drugs. I as a physician am strongly opposed to the use of drugs. It is just that the techniques make a big difference. We are talking about bad habits, and yet we are resorting to the use of force, literally an army of agents and hundreds of billions of dollars over a 30-year period, in an effort to bring about changes in people's habits. Someday we are going to have to decide how successful we have been. Was it a good investment? Have we really accomplished anything?

Another reason why I am taking this time to express an opposition is that the process has been flawed. After World War I, there was a movement in this country that believed that too many Americans had bad habits of drinking too much alcohol, and of course, if we really want to deal with a bad drug, alcohol is it. Many, many more die from alcoholism and drunken driving and all kinds of related illnesses, but the country knew it and they recognized how one dealt with those problems.

The one thing that this country recognized was that the Congress had no authority to march around the country and tell people not to drink beer, and what did they do? They resorted to amending the Constitution, a proper procedure, and of course, it turned out to be a failed experiment. After 12 years, they woke up and the American people changed it.

We have gone 30 years and we have not even reconsidered a new approach to the use of drugs and the problems that we face.

Another thing that is rather astounding to me, is that not only have we lost the respect for the Constitution to say that the Federal Government can be involved in teaching habits, but we literally did this not even through congressional legislation.

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The DEA was created by an executive order. Imagine the size of this program created merely by a President signing an executive order. Of course, the ultimate responsibility falls on the Congress because we acquiesce and we vote for all the funding. The DEA has received over $24 billion in the past 30 years, but the real cost of law enforcement is well over $240 billion when we add up all the costs.

And then if we look at the prison system, we have created a monstrosity. Eighty-four percent, according to one study, 84 percent of all Federal prisoners are nonviolent drug prisoners. They go in and they come out violent. We are still talking about a medical problem. We treat alcoholism as a medical problem, but anybody who smokes a marijuana cigarette or sells something, we want to put them in prison. I think it is time to stop and reevaluate this.

One other point is that as a physician I have come to the firm conclusion that the war on drugs has been very detrimental to the practice of medicine and the care of patients. The drug culture has literally handicapped physicians in caring for the ill and the pain that people suffer with terminal illnesses. I have seen doctors in tears coming to me and saying that all his wife had asked me for was to die not in pain; and even he, as a physician, could not get enough pain medication because they did not want to make her an addict. So we do have a lot of unintended consequences.

We have civil liberty consequences as well. We set the stage for gangsters and terrorists raising money by making weeds and wild plants and flowers illegal. If someone could say and show me all of a sudden that the American people use a lot less drugs and kids are never tempted, it would be a better case; but we do not have the evidence. We have no evidence to show that 30 years of this drug war has done very much good. Matter of fact, all studies of the DARE program show that the DARE program has not encouraged kids to use less illegal drugs. So there is quite a few reasons why we ought not to just glibly say to the DEA it's been a wonderful 30 years and encourage more of it.

The second part of the resolution talks about the sacrifice of these men. To me, it is a tragedy. Why should we ever have a policy where men have to sacrifice themselves? I do not believe it is necessary. We gave up on the prohibition of alcohol. I believe the drug war ought to be fought, but in a much different manner.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Wisconsin for the courtesy of yielding me this time.

Mr. Speaker, I rise in support of this resolution and urge my colleagues to support it. House Resolution 412 commemorates the 30th anniversary of the Federal Drug Enforcement Agency and recognizes the contributions and achievements of its current 8,800 employees working in 173 domestic offices and 78 foreign offices worldwide.

The resolution also specifically recognizes the sacrifices of those employees who have given their lives in the line of duty and those who have been wounded or injured.

So I am pleased to join my colleagues in recognizing the dedicated hard work and sacrifice of the men and women of the DEA on this occasion commemorating the 30th anniversary of this agency.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, today we honor the men and women of the Drug Enforcement Administration on the occasion of its 30th anniversary. I would like to thank the House leadership and the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for bringing this resolution to the floor; and I would particularly like to thank all those who have cosponsored my resolution, especially the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, and the gentleman from Georgia (Mr. DEAL), the vice chairman of that subcommittee. I am pleased we were able to introduce this legislation on a bipartisan basis, emphasizing our shared goal of preventing drug abuse.

If I may just briefly comment on a few of the remarks of my friend, the gentleman from Texas (Mr. PAUL), our libertarian conscience in the House. He is an eloquent spokesman for limited Federal Government and votes against most resolutions here, and he works as our conscience. However, he is deeply wrong on this issue. We have, in fact, made progress on drug abuse this past year, 10 percent reduction. We have had a dramatic reduction. But it is hard to battle addiction across America, just as it is in child abuse, spousal abuse, and other things that the gentleman from Texas would oppose the Federal Government being involved in.

We have a philosophical difference, but the gentleman should not disparage the efforts of the DEA and the hard work so many people do in trying to prevent the 20,000 deaths per year that occur because of drug abuse in America.

Mr. Speaker, in the aftermath of September 11, we have often recognized and honored the men and women responsible for preventing and responding to terrorist attacks on our country, and rightly so; but we should never forget the terrible toll that drug abuse continues to take on America, nor those who bravely seek to stop it. According to the Center for Disease Control, every year 20,000 American lives are lost as a direct consequence of illegal drug use, and much more devastation beyond those 20,000 in indirect loss of life.

The Office of National Drug Control Policy estimates that the annual economic cost of drug abuse to the U.S. in lost productivity, health care costs, and wasted lives is now well over $150 billion. Every year, drug traffickers seek further profit from this misery by importing, manufacturing, and selling these poisons on our streets and in our communities. It is a traffic in death as devastating as anything the more visible terrorists have done. The task of stopping this falls on our law enforcement agencies, and no agency is more dedicated to that struggle than the DEA.

Thirty years ago, on July 6, 1973, President Nixon signed the executive order creating the DEA from several previously separate agencies, more efficient government, including the Justice Department's Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, the White House's Narcotics Advanced Research Team, and the Drug Investigations branch of the U.S. Customs Service. On October 4, 1973, the Senate confirmed the first administrator of the DEA, John R. Bartels, Jr., inaugurating a new era in the Nation's fight against drug abuse.

The DEA has carried on that fight on every front: at the borders, in our cities and small towns and rural areas across the country. As the Federal Government's only single-mission agency dedicated to narcotics control, the DEA has taken the lead in breaking the international cartels that bring cocaine, heroin, ecstasy, methamphetamine precursors and marijuana into the U.S. In partnership with other Federal, State, and local law enforcement agencies, the DEA has organized task forces that investigate, penetrate, and bust the street gangs and other distribution networks selling drugs on the streets.

The numbers speak volumes about the DEA's success. But these numbers, impressive as they are, cannot fully convey what the DEA has done for our Nation. We are also here to remember the personal sacrifices of thousands of men and women who have served America as DEA agents and members of DEA task forces. I would like to highlight just a few of these agents.

Special Agent Benitez was shot. He was a Customs officer, and then he worked as one of the first Special Agents in DEA. In 1973, he was fatally shot during an undercover investigation of cocaine dealers. He was only 28 and is survived by his wife and daughter.

Special Agent Ward of Baltimore, Maryland, was assigned to DEA in Baltimore. He was the husband and father of two, and was a 13-year police department veteran who had earned numerous medals and commendations. On December 3, 1984, at the age of 36, he was shot and killed while working on an undercover assignment.

Special Agent Enrique Camarena was a Marine, a husband, and the father of three children. He received two Sustained Superior Performance Awards, a Special Achievement Award, and the Administrator's Award of Honor, the highest award granted by the DEA. On February 7, 1985, he was kidnapped, tortured, and eventually killed by Mexican drug traffickers while working in Mexico.

These people died trying to defend us and our children on the streets of the United States from the scourge of drugs.

This is Police Investigator Wallie Howard of the Syracuse, New York, Police Department. He was a 9-year veteran who worked for DEA's central office in New York and was shot during an undercover operation in Brooklyn when they attempted to rob him. He was only 31.

This is Special Agent Meredith Thompson, who joined DEA in 1985 and was a tireless worker. At the age of 33, she was one of five special agents killed in 1994 in a special reconnaissance mission in Peru.

These people died. And these are just five who have died trying to protect us, our children, and our families from the wreck of cocaine, of heroin, and of marijuana that does incredible damage. And were they not on the streets and were they not sacrificing their lives, so many more than the 20,000 would have died.

Mr. Speaker, today we honor the men and women of the Drug Enforcement Administration on the occasion of its 30th anniversary. I'd like to thank the House leadership and Chairman SENSENBRENNER of the Judiciary Committee for assisting us in bringing this resolution to the floor; and I'd particularly like to thank all those who co-sponsored the resolution, especially Mr. CUMMINGS, the ranking member of the Drug Policy Subcommittee that I chair, and Mr. DEAL, the vice-chairman. I am very pleased that we were able to introduce this resolution on a bipartisan basis, emphasizing our shared goal of preventing drug abuse.

Mr. Speaker, in the aftermath of September 11, we have often recognized and honored the men and women responsible for preventing and responding to terrorist attacks on our country, and rightly so. But we should never forget the terrible toll that drug abuse continues to take on America, nor those who bravely seek to stop it. According to the Centers for Disease Control, every year about 20,000 American lives are lost as a direct consequence of illegal drug use. The Office of National Drug Control Policy estimates that the annual economic cost of drug abuse to the U.S.—in lost productivity, health care costs, and wasted lives—is now well over the $150 billion mark. Every year, drug traffickers seek further profit from this misery by importing, manufacturing, and selling these poisons on our streets and in our communities. It is a traffic in death as devastating as anything the more visible terrorists have done.

The task of stopping this falls on our law enforcement agencies, and no agency has been more dedicated to that struggle than the DEA. Thirty years ago, on July 6, 1973, President Nixon signed the executive order creating the DEA from several previously separated agencies, including the Justice Department's Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, the White House's Narcotics Advance Research Team, and the Drug Investigations branch of the U.S. Customs Service. On October 4, 1973, the Senate confirmed the first Administrator of the DEA, John R. Bartels, Jr., inaugurating a new era in our nation's fight against drug abuse.

The DEA has carried on that fight on every front—at the borders, in our cities, and in

small towns and rural areas across the country. As the federal government's only single-mission agency dedicated to narcotics control, the DEA has taken the lead in breaking the international cartels that bring cocaine, heroin, ecstasy, methamphetamine precursors and marijuana into the U.S. In partnership with other federal, state and local law enforcement agencies, the DEA has organized task forces that investigate, penetrate and bust the street gangs and other distribution networks selling drugs on the streets. Through entities like the El Paso Intelligence Center (EPIC), DEA also gathers, analyzes and shares drug trafficking intelligence with its law enforcement partners. The numbers speak volumes about DEA's success: between 1986 and 2002 alone, DEA agents seized over 10,000 kilograms of heroin, 900,000 kilograms of cocaine, 4,600,000 kilograms of marijuana, 113,000,000 dosage units of hallucinogens, and 1,500,000,000 dosage units of methamphetamine, and made over 443,000 arrests of drug traffickers.

But these numbers, impressive as they are, cannot fully convey what the DEA has done for our nation. We are also here to remember the personal sacrifices of the thousands of men and women who have served America as DEA agents and members of DEA-led task forces. I'd like to talk about just a few of those men and women who made the ultimate sacrifice in the fight against illegal drug abuse.

Emir Benitez was one of the first Special Agents to serve at the DEA. As a Customs officer, he was so successful at finding marijuana that he received three awards for superior performance. On August 9, 1973, he was fatally shot during an undercover investigation of cocaine dealers in Ft. Lauderdale, Florida. He was only 28 when he died, survived by his wife and his daughter.

Detective Marcellus Ward of the Baltimore, Maryland, Police Department, was assigned to the Drug Enforcement Administration's Baltimore District Office Task Force. A husband and father of two, Detective Ward was a thirteen-year police department veteran, who earned numerous medals and commendations for his work. On December 3, 1984, at the age of 36, he was shot and killed while working on an undercover assignment.

Special Agent Enrigue S. Camarena joined DEA in June 1974. During his 11 years with DEA, this former Marine, husband and father of three children received two Sustained Superior Performance Awards, a Special Achievement Award and posthumously, the Administrator's Award of Honor, the highest award granted by DEA. On February 7, 1985, Camarena was kidnapped, tortured and eventually killed by Mexican drug traffickers while he was assigned to the DEA's Guadalajara, Mexico office. He was 37 years old.

Police Investigator Wallie Howard Jr., of the Syracuse, New York Police Department, was a nine-year veteran and the recipient of three bureau commendations for his work on several undercover drug investigations. A husband and father of two, Office Howard was killed on October 30, 1990, while serving on the DEA's Central New York Drug Enforcement Task Force. Officer Howard was shot during an undercover operation when drug traffickers from Brooklyn, New York, attempted to rob him. He was 31 years old.

Special Agent Meredith Thompson joined DEA in 1985. She was characterized as a tireless worker—innovative, motivated and organized. Throughout her career, she received numerous letters of appreciation and commendation from both within and outside DEA. At the age of 33, she was one of five Special Agents killed on August 27, 1994, in a plane crash during a reconnaissance mission near Santa Lucia, Peru. This mission was being flown as part of Operation Snowcap, DEA's cocaine suppression program in Latin America.

Mr. Speaker, these are only five of the names that are listed on the DEA's memorial to its fallen agents and task force officers. They are a permanent reminder of the cost in human life imposed on us by the Drug traffickers and their collaborators. Today, as we thank the DEA and its employees for over 30 years of courage, service, and sacrifice, I hope that we will draw strength from their example and rededicate ourselves to their cause—the fight against drug abuse.

Mr. PAUL. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Texas has 14 minutes remaining.

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

Regarding the loss of lives, whether it is 3,000 that some report, or 20,000, many of those would be preventable if we did not have the drug wars going on. The drug wars go on because people are fighting for turf and then the police have to go in and try to stop them because prices are artificially high. We have created the incentive for drug violence. We take something worthless and make it worth billions of dollars. We set the stage for terrorists.

Right now, because of the policies in Afghanistan, 80 percent of Afghanistan now has been returned to the drug lords. If the drugs were worthless, there would be no incentive to promote them. But they are worth a lot of money, so inadvertently our drug war pushes the prices up, and we create the incentive for the Taliban and others to raise the poppies and send the drugs over here. Then they finance the terrorists. So it is an unintended consequence that does not make any sense. It does not have to happen.

The big challenge is will anybody ever be willing to raise the questions and suggest another way. Could we have made a mistake, such as we did with the prohibition of alcohol? This does not mean that everybody has everything they want. Alcohol is legal, but kids get marijuana and other drugs easier on the street than they get their alcohol, because there is such a tremendous incentive.

During prohibition it was very well known that because alcohol was illegal, the more concentrated it is and the higher price it is because you can move it about and because it is contraband. So there is a tremendous incentive to do that. And then, when it is illegal, it becomes more dangerous. That is exactly what happens on drugs.

One hundred years ago, you could buy cocaine in a drugstore. Most Americans would be tremendously surprised to realize that for most of our history drugs were not illegal. The first marijuana law was in 1938. And they got around that on the constitutional aspect by just putting a tax on it. So there is a lack of respect for how we solve our problems, a lack of wisdom on what we ought to do, and a lack of concern; and this is my deep concern as a physician, a lack of concern for seeing people dying and suffering.

Just think of the people who claim and are believable that they get some relief from marijuana, the paraplegics and those who have cancer and receiving chemotherapy. And in our arrogance, we, at the national level, write laws that send the DEA in to cancel out the States that have tried to change the law and show a little bit of compassion for people that are dying.

We are constitutionally wrong, we are medically wrong, we are economically wrong, and we are not achieving anything. We have no faith and confidence in our constitutional system. We have no faith and confidence that we change moral and personal habits through persuasion, not through armed might.

This is a choice. Nobody is for the use of drugs that I know of. But there is a big difference if you casually and carelessly resort to saying, oh, it is good that you do not do drugs, to let us create a drug army to prance around the country, and then lo and behold houses are invaded, mistakes are made, innocent people are killed, and it does not add up.

It is still astounding to me to find out that the DEA was not even created by congressional legislation. It was created by an executive order. We have gone a long way, colleagues, from where the respect for the Constitution existed and that at least the Congress should legislate. Even in the 1920s, when we attacked alcohol, we had enough respect for the Constitution to amend the Constitution.

□ 1130

Mr. Speaker, I think we are deceiving ourselves if we think the war on drugs is being won, and the failure to look at the unintended consequences, the real cost. As a matter of fact, this resolution brings up the real cost, this long list, this long tragic list of individuals who have been killed over this war.

So I am asking once again not so much to be in opposition to this resolution, but this resolution is to praise 30 years of the DEA and to praise an agency that really has no authority because it comes only from the executive branch, but for us to someday seriously think about the problems that have come from the war on drugs.

Let me tell Members, there is a politically popular position in this country that many are not aware of: The tragedy of so many families seeing their loved ones die and suffer without adequate care, 90-year-old people dying of cancer and nurses and doctors intimidated and saying we cannot make them a drug addict. This drug war culture that we live with has done a lot of

harm in the practice of medicine. Attacking the physicians who prescribe pain medicine and taking their licenses from them is reprehensible. I ask Members to please reconsider, not so much what we do today, but in the future, maybe we will wake up and decide there is a better way to teach good habits to American citizens.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4½ minutes to the gentleman from New Jersey (Mr. PASCRELL), a former mayor of Paterson, New Jersey, who worked very closely with the DEA.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time, and I want to also congratulate the gentleman from Indiana (Mr. SOUDER) and the gentleman from Wisconsin (Mr. SENSENBRENNER). I think this is an important resolution, and let us get back to the focus of what the resolution says. The Drug Enforcement Agency offers countless examples of heroic action and achievement. I am honored to offer my whole-hearted support and thanks to the men and women of this extraordinarily important Federal agency.

Our Nation is constantly under threat from the scourge of illegal drugs, and with every strata of our social structure victimized in some way by the hazards of narcotics, the work formed by the DEA is absolutely vital. It is many times a thankless, grueling work performed by public servants who oftentimes put themselves in harm's way for the public's good. Throughout its history the Drug Enforcement Agency employees have given their lives in defense of their Nation. Many other employees have been wounded or injured in the line of duty.

My mind flashes back to the late 1980s when an agent from North Jersey, Everett Hatcher, was assassinated in Staten Island in a horrendous, heinous crime defending his country addressing the terror. Talk about terror, let us talk about the terror of drugs. Every American owes these men and women a debt of extreme thanks, especially in light of the success DEA has accomplished.

Between 1986 and 2002 alone, DEA agents seized over 10,000 kilograms of heroin, 900 kilograms of cocaine, 4.6 million kilograms of marijuana, 113 million dosage units of hallucinogens, and 1.5 billion dosage units of methamphetamines, and made over 443,000 arrests of drug traffickers. Of course, where there is no market, there is no sale, I say to the gentleman from Texas. We know that. The war on drugs starts in our homes. The war on drugs starts in our own medicine cabinets and our own liquor cabinets. There is no denying that. It does not start in the offices of my Federal agency.

Law enforcement is only part of the answer. There is not a person in this Chamber who does not agree with that, but that is a given. Solutions are worthy for study of debate, and I salute the gentleman from Texas (Mr. PAUL) for putting this on the floor. Perhaps this is not the time, but when is the time? I appreciate that.

Foreign policy does impact illicit drug use. We know it is coming out of Afghanistan, a lawless country. When the American people find out what is going on in Afghanistan, they are not going to be very happy, are they? We appreciate that. But this is not the time for the debate so much on policy or whether medical marijuana is something that we can consider as a Nation. This is a time that we focus on an agency who has done what we have asked them to do. They have done what we have asked them to do, and they have put themselves in harm's way.

We have heard the word ''terror'' used many times. We have heard it used in State of the Union addresses by many Presidents, but there is no greater terror than the terror of illicit drug use and sales in this country or any other country. It saps our energy and it saps our will, but it must begin in our homes. I salute the DEA. I wish I could say, Mr. Speaker, the same for many of our homes.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT), the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. Speaker, I rise enthusiastically to support and to honor the 30 years of service of the Drug Enforcement Agency, and particularly emphasize those who have worked with me and worked in the south Texas region. I applaud the achievements of 8,800 employees who work in 173 domestic offices and 78 foreign offices worldwide.

I join my colleagues and the gentleman from New Jersey (Mr. PASCRELL) to acknowledge the hard work and the depth of commitment of these men and women. And frankly, as an aside, I might say maybe if we had a few good DEA officers advising us in Haiti, we would not be negotiating with thugs, drug dealers and others who certainly do not have the good intentions of the Haitians in mind.

I particularly want to add my applause to the DEA agents who work in my community who have been monitoring the High Intensity Drug Trafficking Area. Designated in 1990, they have been working throughout Harris, Jefferson, Jim Wells, Kennedy and Liberty Counties, who have been working with the Governor's Office of Public Safety and Drug Policy and working on programs in schools. They have worked with Houston Crackdown, and we have seen a difference in the number of drug users in our area. They have helped Houston Crackdown run a 24-hour bilingual drug information hotline. They have worked with the anti-gang office of the Houston Police Department Gang Task Force established in 1994. They have worked with the After School Achievement Program and Operation Renaissance, a collaborative effort by the police department, other city departments and the DEA in working in the inner city.

We have been gratified by the fact in late 2000 the Houston field division reported two seizures of suspected SA heroin. Nearly 2 kilograms were sized at a bus terminal in Houston from a Colombian female. In the other instance, four Venezuelans, in possession of 1.4 kilograms of heroin, were arrested at a local hotel. We have done well with the DEA in south Texas. We know the trials and tribulations that we are engaged in.

The good news of the DEA is they have put life into the phrase ''Just say no.'' They put their lives on the front line. They are committed to making sure our children do not fall victim to the tribulations of drug, and in particular methamphetamines that are plaguing the rural South. That has been another area where we have seen the DEA working so diligently.

Mr. Speaker, I have more than one reason to come to the floor of the House to thank the DEA and all of its fine personnel across the Nation, its 173 divisions, but I am particularly proud to thank the Houston division for the grand work they have done, arming themselves with their commitment and their vision to protect the Nation's children and to make this Nation drug free.

Mr. Speaker, I rise in strong support of H. Res. 412, honoring the Men and Women of the Drug Enforcement Administration on the Occasion of Its 30th Anniversary. I also supported this bill when it was marked up before the full Judiciary Committee last month.

This resolution commemorates the 30th anniversary of the Federal Drug Enforcement Agency (DEA) and recognizes the contributions and achievements of its 8,800 employees who now work in 173 domestic offices and 78 foreign offices worldwide, and recognizes the sacrifices of those employees who have given their lives in the line of duty and those who have been wounded or injured in the line of duty.

In Houston, particularly, I would like to applaud the DEA on the stellar performance of its initiatives:

Monitoring of the High Intensity Drug Trafficking Area (HIDTA)—Designated in 1990, the Houston HIDTA encompasses the city of Houston and the surrounding areas of Aransas, Brooks, Galveston, Hardin, Harris, Jefferson, Jim Wells, Kennedy, Kleberg, Liberty, Nueces, Orange, Refugio, San Patricio and Victoria counties.

Governor's Office of Public Safety and Drug Policy—This office develops public policy and works to implement prevention, intervention, and suppression strategies to stop gang violence and assist crime victims. The office also coordinates and supports volunteer projects dealing with alcohol and drug abuse.

Examples of programs in Houston include:

Houston Crackdown, which coordinates and supports volunteer projects in the areas of drug prevention, treatment, and law enforcement. Houston Crackdown also runs a 24-hour bilingual Drug Information Hotline that provides access to treatment and recovery resources, drug information for youth and parents, a means to report illegal drug activity, and ideas for getting involved in community efforts.

The Anti Gang Office and the Houston Police Department Gang Task Force, both established in 1994. They provide a balanced approach, combining prevention and suppression tactics focused toward reduction of street gang growth and development.

The After School Achievement Program (ASAP), a community-based program offering youths constructive and positive activities between 3 p.m. and 6 p.m.

Operation Renaissance, a collaborative effort by the police department, other city departments, government agencies, and various community groups to revive the city's inner-city neighborhoods. Operation Renaissance employs a holistic approach and embraces the philosophy of Neighborhood Oriented Government and the Super Neighborhood concept. It is comprised of five pillars: narcotics interdiction, directed patrol, nuisance abatement, trash removal, and graffiti abatement. The community assists the police by reporting known drug dealers and locations while the police utilize a two-phase approach in targeting identified individuals and locations. Phase One calls for a highly visible police presence in areas of known ''open-air'' markets and Phase Two targets indoor locations.

Although the fruits of this office's impressive performance record are many, I highlight the fact that in late 2000, the DEA Houston Field Division reported two seizures of suspected SA heroin. Nearly 2 kilograms were seized at a bus terminal in Houston from a Colombian female who was traveling from San Antonio to New York City. In the other instance, four Venezuelans, in possession of 1.4 kilograms of heroin, were arrested at a local hotel.

On a per capita basis, the Texas South (Houston) district is one of the four districts with the largest number of DEA referrals in past fiscal years along with New Mexico (Albuquerque), Texas West (San Antonio), and New York South (Manhattan). In terms of the effectiveness and fairness of the government's overall enforcement effort against drugs, the work of the prosecutors and the courts often is as important as that of the investigators. One measure of this joint responsibility is the length of time required from when the DEA refers a matter for prosecution to when the matter is disposed of. Nationally, the median processing time was 272 days. Texas South (Houston) yielded 134 days which was significantly lower than the national median.

Mr. Speaker, therefore, I strongly support this bill. In the very near future this body should deal with this misdirected policy of mandatory sentencing so that the work of the DEA can be directed to the violent drug trafficking that hurts Americans most.

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

Mr. Speaker, let me just close with a comment about the prison system and what has happened. As I mentioned before, 84 percent of Federal prisoners are nonviolent drug offenders. Many go into prison, and they come out hardened criminals, and the problem is made much worse. Because of overcrowding, we have the release of violent prisoners because the prisons are too full. Also, the rules on mandatory sentencing of non-violent offenders have not been a good idea and have contributed to the problems that we face.

Another thing which I have not mentioned before but is worth thinking about is the inequity in the enforcement of laws. If one happens to be a wealthy, white-collar worker caught using cocaine, the odds of that individual serving time in prison is very reduced, compared to if you are caught in the inner city. It seems there is less justice for the inner city youth. This, of course, intensifies the problems of the inner city.

Once again, all I ask is that in the future we look at our drug policy because current policy is working so poorly, and also to reconsider the fact that we have gone 30 years with a program where there is no evidence of success, and astoundingly it was all done under an executive order.

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

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

Mr. Speaker, while I respect the arguments of the gentleman from Texas (Mr. PAUL), even though I do not agree with them, I think it is important to look at what the resolved clause of this resolution says in deciding whether or not to support or oppose the resolution.

I will read it. ''Resolved, That the House of Representatives: (1) congratulates the DEA on the occasion of its 30th Anniversary;

''(2) honors the heroic sacrifice of those of its employees who have given their lives or have been wounded or injured in the service of our Nation; and

''(3) thanks all the men and women of the DEA for their past and continued efforts to defend the American people from the scourge of illegal drugs.''

This resolution has nothing to do with drug policy. It has nothing to do with whether the war on drugs has been successful or not. It has nothing to do with whether or not drugs should be legalized. What it does do is to tell the people who have worked for the DEA for the last 30 years that their service has not been in vain executing a policy in criminalizing certain drug activities and use of certain drugs that this Congress has passed.

It also commemorates the people who have given their lives or been wounded in the service of their country. The DEA is a law enforcement agency. We make the laws, they enforce the laws. This resolution gives them thanks for enforcing the laws and commemorating those who have made the ultimate sacrifice. I support the resolution, and I urge Members to support the resolution.

Mr. CASE. Mr. Speaker, I rise today in strong support of H. Res. 412, which honors the men and women of the Drug Enforcement Administration (DEA) on the occasion of its 30th Anniversary and recognizes the sacrifices of those who have given their lives in the line of duty.

In Hawaii, we are fortunate that such a cohesive law enforcement community exists, with the strong working relationship between the DEA, the United States Attorney's Office, the Federal Bureau of Investigation, our four county police departments, and the 14 Federal, State, and local agencies which support the Hawaii High Intensity Drug Trafficking Area. All work together to pursue and dismantle domestic and international criminal organizations that produce, transport, and distribute illegal substances.

Under the leadership of Briane M. Grey, Assistant Special Agent-in-Charge of the Honolulu District Office, the office advocates the same multi-pronged approach that I firmly believe is the solution to our drug abuse problem: combining strong enforcement, with education, prevention, and treatment efforts. For example, through its partnerships with the Counties of Kauai and Hawaii, the DEA's Demand Reduction Program educates many of our young people on the dangers of drugs.

In my home State, the unfortunate drug of choice today is crystal methamphetamine, also known as ice. High purity ice, ranging from 96 percent to 99 percent, is all too readily available, and commonly abused throughout our State. In Hawaii, ice users have been linked to violent crimes including child abuse, hostage situations, and homicides. The DEA has been a strong and valuable force in our fight against the scourge of ice.

In August 2003, the Honolulu DEA's Operation Jetway Task Force was notified of three parcels suspected of carrying ice. Pursuant to a search warrant, approximately 15.9 pounds of ice, worth more than $1 million were seized from two of the parcels, and approximately $65,000 in cash was seized from the third parcel. Later that same month, the task force seized approximately 674 grams of ice from the inside jacket pocket of an individual traveling from Los Angeles to Honolulu.

I would like to extend a very special mahalo (thank you) to the 15 Special Agents, 17 Task Force Officers, 2 Intelligence Analysts, 2 Diversion Investigators, and 2 Administrative Staff in our DEA Honolulu District Office. The district extends DEA's presence with personnel assigned to offices on the islands of Maui and the Big Island of Hawaii, as well as offices in Guam and Saipan. I know that the Honolulu District Office will continue to initiate drug investigations targeting the highest level traffickers, and for that we are all very grateful.

Again, congratulations to the DEA on its 30th anniversary.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 412.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1145

SUPPORTING GOALS OF CERTAIN COMMUNITIES IN RECOGNIZING NATIONAL DAY OF REMEMBRANCE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 56) supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

The Clerk read as follows:

H. RES. 56

Whereas President Franklin Delano Roosevelt signed Executive Order 9066 on February 19, 1942, which authorized the exclusion of 120,000 Japanese Americans and legal resident aliens from the west coast of the United States and the internment of United States citizens and legal permanent residents of Japanese ancestry in internment camps during World War II;

Whereas the freedom of Italian Americans and German Americans was also restricted during World War II by measures that branded them enemy aliens and included required identification cards, travel restrictions, seizure of personal property, and internment;

Whereas President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976, in his speech, ''An American Promise'';

Whereas Congress adopted legislation which was signed by President Jimmy Carter on July 31, 1980, establishing the Commission on Wartime Relocation and Internment of Civilians to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity;

Whereas the Commission held 20 days of hearings and heard from over 750 witnesses on this matter and published its findings in a report entitled ''Personal Justice Denied'';

Whereas the conclusion of the Commission was that the promulgation of Executive Order 9066 was not justified by military necessity, and that the decision to issue the order was shaped by ''race prejudice, war hysteria, and a failure of political leadership'';

Whereas Congress enacted the Civil Liberties Act of 1988, in which it apologized on behalf of the Nation for ''fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry'';

Whereas President Ronald Reagan signed the Civil Liberties Act of 1988 into law on August 10, 1988, proclaiming that day to be a ''great day for America'';

Whereas the Civil Liberties Act of 1988 established the Civil Liberties Public Education Fund, the purpose of which is ''to sponsor research and public educational activities and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians so that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood'';

Whereas Congress adopted the Wartime Violation of Italian Americans Civil Liberties Act, which was signed by President Bill Clinton on November 7, 2000, which included provisions which resulted in a report containing detailed information on the types of violations that occurred, as well as lists of individuals of Italian ancestry that were arrested, detained, and interned;

Whereas the Japanese American community recognizes a National Day of Remembrance on February 19th of each year to educate the public about the lessons learned from the internment to ensure that it never happens again; and

Whereas the Day of Remembrance provides an opportunity for all people to reflect on the importance of justice and civil liberties during times of uncertainty and emergency: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical significance of February 19, 1942, the date Executive Order 9066 was signed by President Roosevelt, restricting the freedom of Japanese Americans, German Americans, and Italian Americans, and legal resident aliens through required identification cards, travel restrictions, seizure of personal property, and internment; and

(2) supports the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of these events.

The SPEAKER pro tempore (Mr. SHAW). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 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 House Resolution 56 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, today I rise in favor of House Resolution 56. On February 19, 1942, President Roosevelt signed Executive Order 9066. Shortly afterwards, citizens of Japanese ancestry residing in the United States were prohibited from living, working or traveling on the West Coast of the United States. Executive Order 9066 ultimately led to the detention of 120,000 Japanese Americans and residents, most of whom did not see freedom until the closing days of World War II. Executive Order 9066 also resulted in restrictions upon the civil liberties of Italian and German Americans residing in the United States, including government-imposed curfews, detentions, prohibitions on items considered to be contraband by military authorities, and seizures of personal property.

President Ford formally rescinded Executive Order 9066 in 1976. In his proclamation repealing this executive order, President Ford said:

''I call upon the American people to affirm with me this American promise, that we have learned from the tragedy of that long-ago experience forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated.''

Twelve years later, President Reagan signed the Civil Liberties Act of 1988 to formally acknowledge and apologize for ''fundamental violations of the basic civil liberties and constitutional rights of individuals of Japanese ancestry.'' When signing the legislation, President Reagan said:

''Here we admit a wrong. Here we affirm our commitment as a Nation to equal justice under the law.''

In the year 2000, President Clinton signed the Wartime Violation of Italian Americans Civil Liberties Act, which formally acknowledged civil liberties violations against Italian Americans committed during World War II. In November of 2001, the Committee on the Judiciary received a comprehensive report prepared by the Department of Justice detailing civil liberties violations committed against persons of Italian American ancestry during this period.

The Japanese American community presently recognizes a National Day of Remembrance on February 19 of each year to educate the public about the internment. House Resolution 56 reaffirms the importance of this day. The resolution also supports the goals of the Japanese American, German American and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding this difficult period of our Nation's history.

I urge my colleagues to support this resolution.

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

Mr. NADLER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of this resolution. The World War II internment of American citizens of Japanese, German and Italian ancestry for no reason other than their heritage is a disgraceful blot on the history of this Nation and on our commitment to freedom and equality. Sometimes, in times of panic and insecurity, we have forgotten what is best and most admired about our Nation and we have done things which in retrospect and with cooler heads we have come to realize were both unnecessary and unjust. This unfortunate history includes the Alien and Sedition Acts of 1798, the suspension of the writ of habeas corpus during

the Civil War, the Espionage Act of 1917, the Smith Act of 1940, the Japanese, German and Italian internments, the McCarthy depredations of the early Cold War years, the COINTELPRO operations of the FBI, and some of what is going on today.

We are regrettably going through another period of fear and insecurity due to the very real threat of terrorism. We must not give in to fear and we must not repeat the sin of trampling civil liberties in ways that purport to, but do not even, add to our own security. But I fear we are yet again doing just that.

There is no greater way to honor those many loyal Americans who suffered injustices during World War II than to rededicate ourselves to fighting for the principles that this history teaches, to remembering this history, to passing this resolution but to try to avoid repeating this history as I fear we are doing in some of the things that are going on in this time of insecurity today.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX)

Mr. COX. Mr. Speaker, I thank the gentleman for bringing this important resolution to the floor. I rise in strong support of House Resolution 56, which calls for a National Day of Remembrance to increase public awareness of the Japanese Americans, German Americans and Italian Americans whose civil rights were violated during World War II. Suffering by the Japanese-American community was particularly acute.

On February 19, 1942, President Franklin D. Roosevelt signed his infamous Executive Order 9066. It ordered the imprisonment of 120,000 Japanese Americans on the West Coast of the United States. For most of the war, these loyal Americans, who had done nothing to deserve such treatment, were forced to live under armed guard in isolated camps hundreds of miles from home. The Japanese Americans subject to Franklin Roosevelt's executive order had as little as 4 days to prepare for being rounded up. They were forced to sell or lease their property often at ruinous losses. They were deprived of income during their imprisonment. Many lost their businesses, their livelihoods and their life savings. So many hardworking Americans were rounded up into camps that the economies of entire States, California, Oregon and Washington, suffered severely.

FDR's wholesale denial of Americans' constitutional rights shamed America but all Americans can be proud of the Japanese Americans he imprisoned. Despite their shameful treatment by the Roosevelt administration, they never wavered in their patriotism and their support for the United States and for the war effort. In fact, the most decorated combat unit of World War II, the 442nd Regimental Combat Team, was composed of Japanese Americans, many of whom themselves had been internees in these camps.

Mr. Speaker, Franklin Roosevelt's executive order was never formally rescinded until President Gerald Ford took action. On February 19, 1976, he rescinded Executive Order 9066 with a proclamation entitled ''An American Promise.'' By President Ford's proclamation, America finally recognized the sacrifices made by Japanese Americans for the United States and called upon all Americans to resolve that such a tragedy would never happen again.

And then on August 10, 1988, President Ronald Reagan signed into law the Civil Liberties Act of 1988 by which the United States Government at long last apologized for, quote, the fundamental violations of the basic civil liberties and constitutional rights of persons of Japanese ancestry. One of my predecessors as policy chairman here in the House, then Representative Dick Cheney, now Vice President DICK CHENEY, cosponsored the bill. My predecessor from Orange County, California, Representative Robert Badham, was one of its strongest advocates. The Civil Liberties Act also established the Civil Liberties Public Education Fund to preserve in the national consciousness of our country the memory of the internment. At the signing ceremony, President Reagan quoted his own words honoring Japanese-American soldiers and all American soldiers who fought in World War II. Here is what President Reagan said:

''Blood that has soaked into the sands of a beach is all of one color. America stands unique in the world, the only country not founded on race but on a way, an ideal. Not in spite of but because of our polyglot background, we have had all the strength in the world. That is the American way.''

Six decades later, as President Reagan would say, that is still the American way, and we do great honor to the Congress, to the country, to Japanese Americans and to people who come to America from all parts of the world by passing this resolution.

Mr. Speaker, I urge a ''yes'' vote on House Resolution 56.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. HONDA), the sponsor of the resolution.

Mr. HONDA. Mr. Speaker, I rise today in support of House Resolution 56, a resolution I introduced last year on behalf of the Japanese-, Italian- and German-American communities to establish a National Day of Remembrance for the restriction, exclusion and internment of individuals and families during World War II. I thank the House leadership as well as the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. CONYERS) and the gentleman from New York (Mr. NADLER) for their leadership in steering this measure to the floor today. While the resolution addresses events from our past, it does more than honor victims. It reminds us and our constituents that past national mistakes must not be repeated, even during times of great uncertainty.

To achieve these goals, we must first recognize the magnitude and severity of our Nation's injustices during World War II. In 1942, the U.S. Government rounded up and incarcerated approximately 120,000 Americans of Japanese descent, primarily from the West Coast, tearing families apart and forcing these hardworking people to sell their businesses and their personal properties for pennies on the dollar. Many literally lost the fruits of a lifetime of work due to Executive Order 9066 signed by President Roosevelt on February 19, 1942.

I know firsthand the pain inflicted on those families incarcerated because I spent part of my childhood at Amache internment camp in southeast Colorado. My family was uprooted from our home and community and sent hundreds of miles away from our homes and communities for no other reason than our ancestry. There can be no confusion. The decision by America's political leaders in 1942 to intern Japanese Americans was signed, sealed and delivered not out of concern for national security or for the safety and security of Japanese Americans. This executive order was based on neither reason nor evidence but on fear and panic. The U.S. Government acknowledged as much in 1982 under Carter when the Commission on Wartime Relocation and Internment of Civilians concluded that military necessity did not justify the exclusion and detention of these groups. Instead, the government's decision-making was driven by race prejudice, war hysteria and the failure of political leadership.

As the commission's report points out, ''A grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II.''

In 1988, Congress finally redressed these wrongs by formally apologizing and providing compensation to those unjustly relocated during World War II. It is a true testament to our Nation's values and democratic process that our Nation has been able to look back and admit errors from its past. I can think of no greater evidence to demonstrate why the United States, with all its flaws, is still looked to worldwide as the nation with the strongest and fairest form of government.

But it is not enough to admit our wrong and compensate those persecuted. It is equally important that today we endeavor to educate the public about the internment of Americans to avert the execution of federally sanctioned discrimination and maltreatment in the future. It is critically important more than ever to speak up

against possible unjust policies that may come before this body. It is critical that we educate all Americans of the Japanese-American experience during World War II as well as the experience of other groups like the Japanese Latin Americans.

□ 1200

These people were extricated from Latin America, brought over here, and had their documents taken away from them, thus becoming individuals without a country to be used as pawns in exchange for POWs in the Pacific Theater. As this resolution does, we must also remember the experiences of the German and Italian Americans who were also victimized.

Having recognized this, many members of those communities have suddenly realized that they were wrong, that they were not criminals; and because of the recognition, this awful burden of guilt has been lifted from their shoulders and from the communities.

As a teacher, I feel this point is especially timely and pertinent. In today's war against terrorism, we must be especially cognizant of the adage that those who do not learn from their past mistakes are doomed to repeat them.

Since World War II, our civil liberties have not been as much at risk as they are today. Even while we prosecute the war against terrorism, we must protect all innocent Americans from prejudice and xenophobia.

Today, Mr. Speaker, a person with my face, my background, and being a third-generation American of Japanese descent, standing in the Halls of Congress under the dome of the greatest capitol of this Nation, of this world, I have learned one lesson. And bringing together all of our experiences from our various communities during that time of trauma, the lesson that was learned, and it is an American lesson, is that the Constitution is never tested in times of tranquility. Rather, our Constitution is sorely tested in times of national tension, trauma, tragedy, and terrorism; and that we as Americans, in order to address our future, must internalize the principles of the Constitution and the Bill of Rights.

So I would like to conclude my remarks by honoring all those Americans who suffered on the homefront during World War II, and I hope this resolution will provide additional healing for those of our Nation. It takes enormous maturity for our Nation to admit its wrongs.

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

Ms. LOFGREN. Mr. Speaker, as has been mentioned, on February of 1942, then-President Franklin Roosevelt issued an executive order which authorized the Secretary of War to define military areas in which ''the right of any person to enter, remain in, or leave shall be subject to whatever restrictions'' are deemed ''necessary'' or ''desirable.''

By the spring of 1942, California, Oregon, Washington, and Arizona were designated as military areas. And in May, Japanese Americans were ordered to ''close their affairs promptly and make their own arrangements for disposal of personal and real property.''

Official government fliers were posted around California instructing families to report to 12 assembly centers including the Tanforan Racetrack for San Francisco Japanese Americans to the Santa Anita Racetrack for Japanese Americans in the Santa Clara Valley. They could only bring the bare necessities, leaving behind homes, their lives, and most personal belongings. Santa Clara and San Francisco Japanese Americans were forced to live in horse stables for as long as 6 months until a permanent camp was built for them; 110,000 Japanese Americans were evacuated from their homes and incarcerated throughout the duration of the war.

By the fall of 1942, most of the Santa Clara Valley Japanese American internees were transported to a camp far away from home, the Heart Mountain Internment Camp Wyoming; and the San Francisco internees were sent to various camps, some as far away as Utah.

The horror did not end there. At the end of the war when Japanese Americans were finally released and went home, they found that they had no shelter, no food, money, much less a job. Some returned to find homes looted and destroyed. In my district, the San Jose Buddhist Church offered what it could, shelter and hot meals for most families. And a good piece of news, in Santa Clara County, the family of Bob Peckham, later to become Federal District Court Judge Bob Peckham, had taken title to the property of their Japanese American neighbors, and they were able to preserve much of the property and return it at the end of the internment.

All of this happened before I was born, but I remember hearing about it well before it hit the history books because my mother was a young woman in 1942, and she was building airplanes for Douglas Aircraft. My dad was in the Army. And I remember her telling me going past the Tanforan Racetrack and how guilty and ashamed she was and how helpless she felt. She knew that her neighbors had been wrongly locked up in these horse stables. She knew what her government had done was wrong; but as a young girl, she really did not know what to do and how to change that. She was a lifelong Democrat. She cast her first Presidential vote for FDR, but she never agreed with what he did to her neighbors.

What has happened since then? We have adopted legislation to rescind. We have the Civil Liberties Act. We have apologies. And that is important to my neighbors and my parents' neighbors who were incarcerated people like Ed Kawazoe and Jimi Yamaichi and Ted and Raiko and certainly the gentleman from California (Mr. HONDA) and Norm Mineta and others; but this resolution is also important because it allows all of the Americans, not just those whose rights were violated but those who were on the outside, to reflect and to understand that an apology can be given, a country can improve, and we will never allow such a thing to happen again.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise today in strong support of the gentleman from California's (Mr. HONDA) resolution and thank the members of the Committee on the Judiciary for bringing it to the floor.

At sometime or another, we have all heard the words of Pastor Martin Niemoller. We know he was commenting on an unspeakable time when throughout Europe the Nazis were rounding up those they did not want in their model society. But do his words ring true for the United States as well?

He said, ''First they came for the Jews, and I did not speak out because I was not a Jew. Then they came for the Communists, and I did not speak out because I was not a Communist. Then they came for the trade unionists, and I did not speak out because I was not a trade unionist. Then they came for me, and there was no one left to speak out for me.''

Under the Roosevelt-signed Executive Order 9066, American citizens of Japanese descent and Japanese residents of the United States were prohibited from living, working, or traveling on the west coast of the United States. It sounds almost foreign to us in America. EO 9066 ultimately led to the detention of 120,000 Japanese Americans and residents, most of whom did not see freedom until the closing days of World War II. That executive order also resulted in restrictions upon the civil liberties of Italian Americans and German Americans residing in the United States during World War II, including government-imposed curfews, prohibition on items considered to be contraband by military authorities, and seizures of personal property.

In the Korematsu case that challenged Japanese internment camps, even our United States Supreme Court failed our right to freedom, despite those words ''Equal Justice Under Law'' engraved on the facade.

Thankfully, over the past 62 years, this order has been revoked and the Federal Government has tried to make amends. We owe a debt of gratitude to our Greatest Generation in protecting our freedom and democracy abroad; however, we cannot forget that in some respects democracy failed us at home in 1942. The freedom we fought for was not shared by many Americans during that time.

Today's resolution reaffirms the importance of the National Day of Remembrance on February 19 to educate the public about the internment. But let this resolution also remind us to never repeat the mistakes of the past. We must stand up for freedom for all Americans, regardless of skin color, ethnicity, or religion. It is vital now not only because it is right and the human thing to do, but for self-interest as well.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) for yielding me this time, and I am pleased to join my colleagues in support of House Resolution 56, which seeks to increase awareness and further public understanding of the mistreatment of American citizens during World War II.

I want to thank the gentleman from California (Mr. HONDA) for his compassionate leadership on these issues and in particular for his sponsorship of House Resolution 56.

In the aftermath of the attacks on Pearl Harbor, President Roosevelt signed Executive Order 9066, allowing for thousands of Japanese Americans and Japanese residents, primarily from the west coast, to be removed from their homes, interned, and prohibited from returning until December of 1944.

In addition, Mr. Speaker, many Italian Americans and German Americans were expelled from designated areas under the U.S. Government's Individual Exclusion Program and were subject to arbitrary arrest.

The actions of our government during this period was and remains a source of great pain. The internment of the Japanese Americans, German Americans, and Italian Americans was a grave injustice of their civil rights.

There are lessons to be learned from this experience, and these lessons cannot be learned without discussing and understanding the circumstances surrounding the enactment of Executive Order 9066. We must be cognizant of the fragile nature of our civil rights which have been won on the battlefield and in the Halls of Congress; and we must always be mindful of the threats to our freedom and security; and, likewise, we must be mindful of how our own perceptions of our fellow Americans and our own prejudices affect our freedom.

It is now more important than ever because of the many issues that have arisen concerning security in the aftermath of September 11. As we wage the war on terrorism, the need for awareness and education is especially important. We must ensure that we have an understanding of who among us is the threat, not based on race or color or religion but based on facts that will withstand the scrutiny of our history. As we fight for freedom and security, let us not cast aside our own humanity.

Mr. Speaker, as difficult as it is, we must come to terms with our national mistakes just as we celebrate our national achievements. We must acknowledge our misgivings in the past if we are to strengthen our ability to avoid mistakes in the future. As President Ford said in 1976 when he formally rescinded Executive Order 9066, learning from our mistakes is not pleasant; but we must do so if we want to avoid repeating them.

Supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance will help us learn the lessons, understand the historical significance of these actions, and honor the sacrifice.

Mr. Speaker, I am in support of House Resolution 56.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

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

It is with a humble spirit the recognition that we have come this far. We have not yet done and completed our journey.

I rise to support H. Res. 56, supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II. I thank the gentleman from California (Mr. HONDA) for his persistence in cleaning the slate.

My emphasis is to suggest that no one can feel their pain. We cannot in any way speak to the pain that German Americans and Japanese Americans, Italian Americans felt as their young men were on the front lines in Europe fighting on behalf of our freedom.

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Yet their families at home were being mistreated and discriminated against, eliminated from jobs, abused and maybe somewhat violently treated. We know the Japanese Americans were interned. We know the German Americans were accused, and the Italian Americans as well.

This resolution is long overdue. I stand enthusiastically to support it so we as Americans can stand united in freedom without discrimination and with affectionate respect for the heroes in the Japanese American family, the Italian American family and the German American family.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Hawaii.

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

Mr. CASE. Mr. Speaker, I also rise in very strong support of this resolution, and commend my colleague, the gentleman from California (Mr. HONDA), for introducing it.

I rise as the representative of one of the two districts in our country that contains the largest number of Japanese Americans in our entire country. Some 20 percent of my constituents descended from the people that were directly impacted by the events of the Second World War and themselves impacted, the other district being the First Congressional District of Hawaii.

But in 1941 as the war broke out, 38 percent of Hawaii was composed of Americans of Japanese ancestry; 38 percent of people from Japan whose origins were in Japan, who had lived and worked successfully in Hawaii for almost a century at that point. By the end of the war, about 1,500 of them had been interned, an unconscionable figure, but nothing like what happened proportionately to the population of Japanese Americans on the mainland.

And there were some heroes to be recognized even today. So as we remember today what our country did to those citizens of our country and those of German and Italian descent, we also have to remember there were heroes then, people not from those racial groups, who stood up and were counted.

Robert Shivers, the former Director of the FBI's Honolulu office, who arrived in 1939 and took it upon himself to understand Japanese Americans in Hawaii, he had the power to say who would and would not be interned, and he recognized that most, if not all, of the Japanese American citizens of Honolulu and Hawaii were not to be interned. He was a hero. He remains a hero to my constituency today.

Dr. Charles Hemenway, former President of the U.H. Board of Regents, who took the time as well to work with Agent Shivers to get beyond the hysteria of the war and into the facts, who did have to be interned as a legitimate risk, but who was simply not a risk to their country; Colonel Kendall Fielder, former head of G–2 intelligence operations for the Army in the Pacific, decisions that he made on behalf of our military, for which he took an incredible amount of heat at the time from his national superiors, were vindicated after the war.

These were people that stood up and counted at the time, and as we remember what we did, we need to remember who helped them at that time. We also need to remember simply that our institutions are what prevent this from happening again.

Mr. Speaker, I commend this resolution, and support it fully.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, let me begin by thanking the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from New York (Mr. NADLER) and certainly the gentleman from California (Mr. HONDA) for their work in bringing this resolution to the floor.

H. Res. 56 deserves the support not just of the Members of this House, but

every single American who believes in democracy and freedom. We must remember, because the final chapter on those events back during World War II has not yet closed. That chapter has yet to be fully written, and before we are able to say we can turn the last page and put that book up on the shelf we have to make sure that we remember that there still are Japanese Americans as a result of technicalities who have not received any redress from the 1988 Civil Liberties Act.

We still have many communities, the German American community, the Italian American community, that have not yet had a chance to have their contributions to this country fully appreciated. So I think we have to all come together to agree that it was time for this resolution to come before us and to pass.

I also believe that at some point soon this Congress will be benevolent and the American people will understand that there are Japanese Latin Americans who deserve to be fully recognized and be conveyed some kind of apology, along with redress, to make sure all those who suffered have an opportunity to have redress fully fulfilled.

I thank the gentleman for yielding me time, and I appreciate the resolution that has come before us this evening.

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

Mr. Speaker, over 60 years ago, at a time of panic and insecurity, this country committed a great wrong against people of Japanese, Italian and German background. Several years ago, the United States apologized for this, voted monetary compensation, and today we are passing a resolution supporting the goal of recognizing a day of national remembrance to increase public awareness of these events.

It is right and fitting that we should do this, and we should pass this resolution. I hope and I pray that as we increase public awareness of these events, we will learn from it, so that we do not repeat the same kind of actions as we have done in the past at times of insecurity and panic.

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

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

Mr. Speaker, all of those who have spoken during this debate have pointed out very clearly that this resolution is a good resolution and is a necessary resolution. I think that probably the key part of this resolution is that it gives Congressional recognition to the remembrances that occur on February 19 of each year, because we should not forget about the egregious error that President Roosevelt committed against the civil liberties of the Japanese Americans when he signed the executive order that resulted in their internment.

The only way we will not forget is by having a remembrance that occurs, so that from one generation to the next people will see that the United States of America made a bad mistake.

This resolution will come and go and maybe it will be forgotten and maybe it will not be forgotten, but the annual remembrances on February 19 will make sure that the violation of civil liberties will not be forgotten, and that is the preventive to make sure that this never happens again.

Mr. Speaker, I urge adoption of the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this bill, H. Res. 56, which came before the Committee on the Judiciary in January for markup. I supported this bill at that time as well.

It recognizes the historical significance of February 19, 1942, the day that President Roosevelt signed Executive Order 9066 to restrict the freedom of Japanese Americans, and supports efforts of the Japanese, German, and Italian American communities to increase public awareness of these events by way of a National Day of Remembrance. Every year, this day is recognized by the Japanese American community to educate the public about the internment and to prevent such restrictions of civil liberties from happening again.

Our colleague Mr. HONDA is to be commended for his work in drafting this important legislation, and I am pleased that it has 70 cosponsors, 67 of whom are from this side of the aisle.

During World War II, President Roosevelt used his executive authority to authorize the exclusion of 120,000 Japanese Americans and Japanese legal permanent residents from the United States and their internment in camps on the grounds of national security and military necessity. The freedoms of Italian and German Americans were also restricted during this war. These individuals were classified as enemy aliens and were required to carry identifications cards. Their property was seized, their travel was limited, and they were also interned in camps.

Fortunately, President Ford rescinded Executive Order 9066 on February 19, 1976. In 1980, Congress established a Commission on Wartime Relocation and Internment of Civilians that investigated the internment and restriction of civil liberties under Executive Order 9066. The Commission found that the Order was not justified by military necessity but resulted from ''race prejudice, war hysteria, and a failure of political leadership.'' In 1988, Congress enacted the Civil Liberties Act of 1988 apologizing to people of Japanese ancestry for the denial of their civil liberties and for the violations perpetrated against them by the U.S. The Wartime Violation of Italian Americans Civil Liberties Act, which passed in 2000, chronicled violations of the rights of Italian Americans that occurred during that time.

H. Res. 56 had added significance in light of the Bush Administration's expensive detention of Arab and Muslim Americans and resident in the week of 9/11. The Bush Administration consistently uses ''national security'' and ''war powers'' to violate the civil liberties of citizens and deport, question, and harass immigrants.

Today, a similar situation is occurring with respect to Haiti and Iraq. In Haiti, hundreds of asylum-seeker are being denied due process in their asylum petition hearings. These people are being denied their civil liberties and the right to live. They, in many cases, are summarily turned back to the shores of Haiti where they will likely suffer or die. In Iraq, under the name of ''national security'' and ''war powers,'' this Administration has led us into a war and subsequent occupation that has cost us numerous lives and high costs. H. Res. 56 sets a precedent of recognizing that the notion of ''national security'' and the ''war powers'' need to be utilized with more foresight, respect, and adherence to the principles of international as well as domestic laws.

For the above reasons, Mr. Speaker, I support this legislation.

Mr. ENGEL. Mr. Speaker, I rise today in support of H. Res. 56 which seeks to recognize a National Day of Remembrance regarding the treatment of Japanese, German and Italian Americans during World War II.

Many Americans are not aware that on February 19th, 1942 Executive Order 9066 was signed by President Roosevelt authorizing restrictions and internment of ''enemy aliens.'' While the intent of this order was to monitor and detain people from countries the United States was fighting in World War II, the result was that thousands of patriotic Americans of foreign descent had their civil liberties revoked—even though they had done nothing wrong.

I am troubled by the fact that the internment of Italian Americans is little known even today. For these reasons I authored H.R. 2442 in the 106th Congress, which called for the United States to acknowledge this terrible chapter in our history and required the Department of Justice to study and report back to Congress on the extent of the Italian American Internment, known in the Italian American Community as ''Una Storia Segreta'' (the Secret Story).

Mr. Speaker, the Justice Department report confirmed much of what I learned in the years leading up to the enactment of H.R. 2442. Thousands of loyal Italian American patriots, mothers and fathers of U.S. troops, even women and children were suspected of being dangerous and subversive. With this new enemy alien status, Italians were subjected to strict curfew regulations, forced to carry photo ID's, and could not travel further than a 5 mile radius from their homes without prior approval. Furthermore, many Italian fishermen were forbidden from using their boats in prohibited zones. Since fishing was the only means of income for many families, households were torn apart or completely relocated as alternative sources of income were sought.

It is difficult to believe that over 10,000 Italians deemed enemy aliens were forcibly evacuated from their homes and over 52,000 were subject to strict curfew regulations. Ironically, over 500,000 Italians were serving in the United States Armed Forces fighting to protect the liberties of all Americans, while many of their family members had their basic freedoms revoked.

When we first started researching the Italian American Internment we had vague accounts of mostly anonymous Italians who were subjected to these civil liberties abuses. However, throughout the process we came in contact with many Italians who experienced the internment ordeal first hand. Dominic DiMaggio testified at a Judiciary Committee hearing about his dismay when he returned home from the war to find that his mother and father were enemy aliens. Doris Pinza, wife of international opera star Ezio Pinza, also testified at

the hearing about her husband who was only weeks away from obtaining U.S. citizenship when he was classified as an enemy alien and detained at Ellis Island. It still saddens me to think that Ellis Island, the world renowned symbol of freedom and democracy, was used as a holding cell for Italians. There is even documented evidence of Italians being interned in camps at Missoula, Montana.

Mr. Speaker, we must ensure that these terrible events will never be perpetrated again. We must safeguard the individual rights of all Americans from arbitrary persecution or no American will ever be secure. While we cannot erase the mistakes of the past, we must learn from them in order to ensure that we never subject anyone to the same injustices. But most important of all, we can never forget what happened during this time or we run the risk of repeating this awful chapter in our history. That is why H. Res. 56 is important to this Congress and all Americans. A National Day of Remembrance will ensure that the treatment of Japanese, German, and Italian Americans will always be remembered, and hopefully, we will never allow the civil liberties of Americans to be jeopardized again.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of House Resolution 56 recognizing the significance of February 19, 1942, the day that President Franklin Roosevelt signed Executive Order 9066, which led to the internment of 120,000 Japanese Americans and residents of Japanese descent and the deprivation of rights of German Americans and Italian Americans.

The Resolution supports the goals of the Japanese American, German American, and Italian American communities in recognizing a national day of remembrance to increase public awareness of the restrictions and internment of individuals during World War II.

I am proud to join my colleague Representative MIKE HONDA, who spent his early childhood in an internment camp, in cosponsoring this Resolution. I appreciate his leadership and diligence in bringing this Resolution.

The West Coast of our country was particularly affected by the forced relocations and unjust internment of thousands of American citizens and residents of Japanese descent during World War II. The failure of our political and judicial system to prevent this injustice still reverberates strongly across our nation.

Only belatedly did this Nation acknowledge and apologize for the bigotry and injustice spurred by Executive Order 9066. The ''Civil Liberties Act of 1988'' was enacted to formally acknowledge and apologize for fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry.'' In 2000, President Clinton signed the ''Wartime Violation of Italian Americans Civil Liberties Act,'' which formally acknowledged civil liberties violations against Italian Americans.

It is imperative that our generation and future generations recall the deprivations suffered by the Japanese American, German American and Italian American communities during World War II. The date of February 19, 1942 must serve as a constant reminder that we must never again violate individual rights on the basis of national origin.

The Resolution reaffirms the importance of February 19th, which is recognized as a National Day of Remembrance each year by the Japanese American community. The Japanese American community and its supporters across the Nation have worked hard to educate the public about the internment.

The lessons of that dark chapter in our history are especially relevant today. As we protect and defend the American people against terrorism, we must protect and defend the Constitution and the civil liberties that define our democracy.

I commend the House of Representatives for considering this Resolution. I urge its passage.

Mr. MATSUI. Mr. Speaker, I rise today in support of H. Res. 56 and commend the Japanese American, German American and Italian American communities for their efforts to commemorate and promote a National Day of Remembrance. Although this is a regrettable time in American history, we cannot let this period be forgotten. It is only by increasing public awareness of the events surrounding the restriction, exclusion and internment of individuals and families during World War II that we can guard against such future violations.

Sixty-two years ago, the signing of Executive Order 9066 led to the forced internment of 120,000 Japanese Americans during World War II. They were held without cause and without recourse. These individuals and families suffered needlessly because of rampant fear, prejudice and a lack of political leadership.

These pervasive feelings also imposed limits on the freedoms of German Americans and Italian Americans. The government restricted their travel and seized their property, and the public branded them as the enemy.

In 1988, the Federal government acknowledged the tragic injustice of the internment. Due in large part to the efforts of the Japanese American community, the government issued a formal apology and offered redress to internees. We can never compensate for what was taken away from these families and individuals. But we can honor their struggle and their legacy by understanding the events that lead to their internment.

It takes a strong and confident Nation to look introspectively at its own actions and admit that it made a mistake. Today, it is accepted that the World War II Japanese internment was a grievous error. Not only did these actions disrupt lives and communities, it has left a stain on America's history of freedom, tolerance, and liberty for all of its citizens.

Marking the anniversary of the signing of Executive Order 9066 provides a time for political leaders to reflect on the lessons of the past and on the importance of principled leadership in the future. We must never again sacrifice the core values of our democracy and Constitution, especially in times of uncertainty and emergency.

The National Day of Remembrance honors those who suffered and reminds us to strive toward a better society where such prejudice does not exist. We all have a role in ensuring that such injustices do not happen again.

Once again, I want to join my colleagues in recognizing the very important work the Japanese American, German American and Italian American communities are doing in raising awareness of the National Day of Remembrance. I also want to commend Representative HONDA for his efforts to bring this resolution to the floor. To those personally affected by these events, I especially want to thank you for sharing your stories and for your efforts in educating the American public. Your leadership inspires us all.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to express my support for House Resolution 56 which was introduced by Mr. Honda of California last month. This resolution would create a National Day of Remembrance in honor of the Japanese-Americans, Italian-Americans, and German-Americans who suffered injustices during the Second World War.

Before I begin, I would like to congratulate Mr. HONDA on his new role as the Chairman of the Caucus of Asian Pacific American Caucus. He has long been a champion of the concerns of Asian Pacific Americans and will undoubtedly serve them well in his new role.

In February of 1942, President Franklin D. Roosevelt signed Executive Order 9066 that paved the way for discriminatory action against American citizens of Japanese, German, and Italian descent. Across the West Coast, Japanese-Americans were evacuated en masse from their homes and relocated to internment camps. German-Americans and Italian-Americans were often the object of discriminatory policies, as well.

The residents in my home State of Connecticut were as deeply affected as the rest of the country by these political actions. A detention center for those considered to be 'alien enemies' was established in a community center in Hartford. Japanese, Italian, and German resident aliens were required to carry their immigration papers at all times and their movement was restricted. In addition, many of the Japanese-Americans who were interned on the West Coast moved to the East Coast, including Connecticut, after their release. The suffering that these communities endured has remained with them and must be addressed.

The apology offered by this government in 1988 is not sufficient. We must not allow the lessons learned from this chapter of our history to be lost, regardless of how painful they may be. It is this very pain that makes them so valuable. We cannot forget the suffering endured by our own citizens. Establishing a National Day of Remembrance is important in ensuring that this does not happen.

The National Day of Remembrance is not simply a matter of honoring the past. The treatment of Japanese-Americans, Italian-Americans, and German-Americans during World War II has significant implications for us today. This country is in a war against terror. Our relations with other nations should not make way for injustice and discrimination toward our own people. The National Day of Remembrance would serve as a reminder that questioning the loyalty of our citizens without just cause is a grave mistake.

I would like to commend Mr. HONDA on his introduction of this resolution and his dedication to this important cause. The Japanese-American, Italian-American, and German-American people have expressed the desire that the experiences of their communities during World War II be remembered to serve as a lesson for future generations. This resolution is a valuable reminder that it is the work of this country to preserve the civil liberties of its people.

It is often said that history tends to repeat itself. However, it does not have to. We have an opportunity to take action to prevent a similar threat to the civil liberties of innocent citizens as took place during World War II from occurring again. I hope that this is something

that members on both sides of the aisle will be able to agree to do and I would therefore like to urge all of my colleagues to support this important resolution.

Mr. WU. Mr. Speaker, I rise today in support of H. Res. 56, a resolution recognizing the historical significance of February 19, 1942 and supporting the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance.

On February 19, 1942, President Franklin Delano Roosevelt signed Executive Order 9066, under which authority approximately 120,000 Americans of Japanese ancestry were forcibly removed from their homes and incarcerated during World War II. The last of the detainees were released in October 1946, 4½ years after the signing of the Executive Order, and over a year after the end of the war. But this dark chapter in our American history did not end there.

Upon release from the internment camps, Japanese Americans could not return to the lives they had led before the tragic Executive Order. During the period of internment, they lost their homes, their businesses, their livelihoods.

Thirty years passed before the Executive Order was formally rescinded in 1976. And it took the government an additional 12 years before reparations and a Presidential apology were issued in 1988.

Mr. Speaker, it took over 40 years for the government to acknowledge the magnitude of the mistake it had made in interning Japanese Americans. We must now vow to remember the unspeakable injustice perpetrated upon our fellow Americans by our American government so that it may not be repeated. I thank Mr. HONDA for introducing this important resolution which reminds us not to forget the mistakes of our past.

We support the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance. This dark period in our history not only devastated the lives of Japanese Americans, but also restricted the freedoms of Italian Americans and German Americans during World War II.

Mr. Speaker, we must recognize that measures such as Executive Order 9066, which was found to be shaped by ''race prejudice, war hysteria, and a failure of political leadership,'' violate not only the rights of those they target, but in fact, attack the basic freedoms of all Americans guaranteed by the Constitution. Let the lessons of the past teach us to be wary of the actions we as a Congress take hastily, based on fear. Let us remember.

Mr. LANTOS. Mr. Speaker, I am proud to join my good friend MIKE HONDA as a cosponsor of H. Res. 56, a bill that commemorates the suffering of the Japanese-American, German-American and Italian-American communities during World War II by recognizing February 19 as a National Day of Remembrance. It is my sincere hope and belief that establishing a National Day of Remembrance will increase public awareness about the loss of civil liberties that were suffered by individuals as well as entire families in this country during World War II.

I recently had the privilege to speak to the San Mateo Chapter of the Japanese American Citizens Leagues (JACL), whose mission is to secure and maintain the civil rights of Americans of Japanese ancestry and others who have been victimized by injustice. Several of the members attending the talk were, in fact, children of parents who had been interned in camps, and some had even been interned themselves. Mr. Speaker, I would like to thank the JACL, and also Former Representative Norm Mineta, whose leadership has been instrumental to ensuring that the American public is educated about this tragedy.

As we are all well aware, following the issuance of Presidential Executive Order No. 9066 on February 19, 1942, tens of thousands of Americans were evicted from their homes, rounded up, and sent to internment camps across the western United states. In San Francisco, this program began in earnest on April 1, 1942, when all persons of Japanese ancestry—whether they were American citizens or not—were notified to report for ''relocation.'' In my own Congressional district, 7,800 people were assembled against their will at the San Bruno Tanforan Racetrack, which was recently portrayed in the movie ''Sea Biscuit.''

Mr. Speaker, I submit that it is not only in retrospect that the internment of the Japanese appears absurd and unacceptable. As early as 1946 Harold Ickes, President Roosevelt's own secretary of the Interior, characterized the mass detention of Japanese Americans as a ''mass hysteria over the Japanese,'' he noted, ''we gave the fancy name of 'relocation centers' to these dust bowls, but they were concentration camps.'' Mr. Speaker, ultimately the way we treated Japanese Americans was inexcusable. Moreover, the enormous human suffering and violation of civil liberties that this policy caused vastly outweighed any purported national security benefit derived from the government's internment policy.

Mr. Speaker, the internment of Japanese Americans during World War II is one of the most ignominious and repugnant acts that our Nation has committed. Americans of Japanese descent, some of whom had been in our nation for generations, were herded into internment camps, and denied the basic human rights afforded to all other Americans. Although we have taken the first steps toward recognizing the insidiousness of the internment policy, apologies and reparations are not enough by themselves. Indeed, we ought to be reminded on a regular basis of the dangers of fanaticism. Today, as we face a new set of challenges to civil liberties in our Nation, it is imperative that we work together to preserve our basic freedoms. After the September 11th tragedy, Arab, South Asian, Muslim and Sikh Americans faced real threats to their safety. Many immigrant communities were concerned that America's legitimate anger towards the foreign terrorist who masterminded and carried-out September 11th would be turned towards them. We must constantly be vigilant that his does not occur, and establishing a national day of remembrance is a laudable step toward this necessary goal.

As the only Member of this body to have survived the Holocaust I bring a unique perspective to today's debate. As an oft quoted saying goes, ''Those who forget history are doomed to repeat it,'' and this legislation is the first step to ensuring that all Americans learn from the mistakes of our Nation's past mistreatment of Japanese-, German-, and Italian-Americans. I applaud Congressman HONDA for introducing it, the Japanese American Citizens' League for endorsing it, and urge all of my colleagues to vote for it.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 56.

The question was taken.

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

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

The yeas and nays were ordered.

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

CONTINUATION OF NATIONAL EMERGENCY BLOCKING PROPERTY OF PERSONS UNDERMINING DEMOCRATIC PROCESSES OR INSTITUTIONS IN ZIMBABWE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–168)

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication. It states that the national emergency blocking the property of persons undermining democratic processes or institutions in Zimbabwe is to continue in effect beyond March 6, 2004.

The crisis caused by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing, unusual, and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on March 6, 2003, blocking the property of persons undermining democratic processes or institutions in Zimbabwe and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 2, 2004.*

RECESS

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

Accordingly (at 12 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1333

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 1 o'clock and 33 minutes p.m.

EXTENSION OF NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2136) to extend the final report date and termination date of the National Commission on Terrorist Attacks Upon the United States, to provide additional funding for the Commission, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2136

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

SECTION 1. EXTENSION OF NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) FINAL REPORT DATE.—Subsection (b) of section 610 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 6 U.S.C. 101 note; 116 Stat. 2413) is amended by striking ''18 months'' and inserting ''20 months''.

(b) TERMINATION DATE.—Subsection (c) of that section is amended—

(1) in paragraph (1), by striking ''60 days'' and inserting ''30 days''; and

(2) in paragraph (2), by striking ''60-day period'' and inserting ''30-day period''.

(c) ADDITIONAL FUNDING.—Section 611 of that Act (6 U.S.C. 101 note; 116 Stat. 2413) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADDITIONAL FUNDING.—In addition to the amounts made available to the Commission under subsection (a) and under chapter 2 of title II of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 591), of the amounts appropriated for the programs and activities of the Federal Government for fiscal year 2004 that remain available for obligation, not more than $1,000,000 shall be available for transfer to the Commission for purposes of the activities of the Commission under this title.''; and

(3) in subsection (c), as so redesignated, by striking ''subsection (a)'' and inserting ''this section''.

Mrs. MALONEY. Mr. Speaker, I fully support this extension for the 9/11 commission. In fact, I would support giving it any and all time and cooperation it needs to get to the bottom of 9/11.

Sixty days is but a bare minimum—but it is absolutely necessary. This extension is nice, White House cooperation would be better. A thorough final report would bolster our national security and bring a measure of understanding and closure to Americans, New Yorkers, and, most importantly, the victims' loved ones. Unfortunately, that effort has been hampered by an uncooperative White House.

The latest manifestation, as reported in today's New York Times, is severe restrictions on interviews with key 9/11 players.

I ask unanimous consent to put this in the RECORD.

Mr. Speaker we need White House cooperation now. And if they continue to refuse to give it, we should demand to know why.

Mr. Speaker, it's too important for this country, for my city and its people not to get this report done right. This is too important an issue for the White House to play hid and seek with. I hope this extension will trigger full cooperation.

[From the New York Times, Mar. 3, 2004]

9/11 PANEL REJECTS WHITE HOUSE LIMITS ON INTERVIEWS

(By Philip Shenon)

WASHINGTON, Mar. 2.—The independent commission investigating the Sept. 11 attacks is refusing to accept strict conditions from the White House for interviews with President Bush and Vice President Dick Cheney and is renewing its request that Mr. Bush's national security adviser testify in public, commission members said Tuesday.

The panel members, interviewed after a private meeting on Tuesday, said the commission had decided for now to reject a White House request that the interview with Mr. Bush be limited to one hour and that the questioners be only the panel's chairman and vice chairman.

The members said the commission had also decided to continue to press the national security adviser, Condoleezza Rice, to reconsider her refusal to testify at a public hearing. Mr. Bush and Mr. Cheney are expected to be asked about how they had reacted to intelligence reports before Sept. 11, 2001, suggesting that Al Qaeda might be planning a large attack. Panel members want to ask Ms. Rice the same questions in public.

''We have held firm in saying that the conditions set by the president and vice president and Dr. Rice are nog good enough,'' said Timothy J. Roemer, a former Indiana congressman who is one of five Democrats on the 10-member commission.

Mr. Roemer said that former President Bill Clinton and former Vice President Al Gore had agreed to meet privately with the full bipartisan commission, and that Samuel R. Berger, Ms. Rice's predecessor, would testify in public.

''It's very important that we treat both the Bush and the Clinton administration the same,'' he said.

The White House has declined to discuss details of the limitations it has sought on the interviews with Mr. Bush and Mr. Cheney but has said the administration wants to cooperate fully with the commission, known formally as the National Commission on Terrorist Attacks Upon the United States.

A spokesman for the National Security Council, Sean McCormack, said Tuesday that the White House believed it would be inappropriate for Ms. Rice to appear at a public hearing as a matter of legal precedent. ''White House staff have not testified before legislative bodies,'' Mr. McCormack said. ''This is not a matter of Dr. Rice's preferences.''

Even as panel members warned of a possible confrontation with the White House, there was fresh evidence that the commission had averted a showdown on Capitol Hill. Speaker J. Dennis Hastert, Republican of Illinois, said Tuesday that he planned to shepherd a bill granting the panel a 60-day extension for its final report. Mr. Hastert had vowed to block the extension.

Mr. Hastert met Tuesday with the commission's chairman, Thomas H. Kean, a Republican and a former governor of New Jersey, and the vice chairman, Lee H. Hamilton, another former Democratic congressman from Indiana, and said at a news conference later that he would try to secure House approval of the extension, a proposal already accepted in the Senate.

With the extension, the commission would have until July 26 for its final report. The panel had warned that if it was held to its original deadline of May 27, as mandated by Congress, it would be unable to complete a full investigation and would have to curtail public hearings.

Mr. Hastert denied suggestions from Congressional Democrats that he had tried to block the extension as a favor to the White House, given Republican fears that the report might embarrass President Bush during his re-election campaign. Mr. Hastert said he had no direction from the White House.

''I didn't want it to become a political football,'' Mr. Hastert said of his initial opposition to the extension, adding that he had been chagrined when the White House said in February that it would back the extension.

Referring to the commission, Mr. Hastert said he had changed his mind last week ''after it became apparent that they couldn't get their work done.''

Commission officials said that if the White House continued to insist on limitations on the interviews with Mr. Bush and Mr. Cheney, there might be little that the panel could do to force the issue and that the commission might have to accept the White House's terms.

And they said that despite internal conversation about the possibility of issuing a subpoena for Ms. Rice's public testimony, that move was unlikely. Ms. Rice provided several hours of private testimony last month and has suggested that she is willing to answer additional questions behind closed doors.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3752, COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 546 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 546

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3752) to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for

the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. REYNOLDS. Mr. Speaker, House Resolution 546 is a modified open rule that provides for consideration of H.R. 3752, the Commercial Space Launch Amendments Act of 2004. The rule provides 1 hour of general debate and makes in order under the 5-minute rule any amendments preprinted in the CONGRESSIONAL RECORD. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, recent discoveries in the space program have reinvigorated our Nation's enthusiasm for space travel and discovery and, while in its infancy, commercial human space flight is becoming a new and exciting industry. As this concept continues to mature, there is hope of regular and safe round trips into space for paying customers. Eventually these trips will also serve as an important tool for investigation into commercial remote sensing and microgravity and atmospheric research. Currently there is no clear, defined structure to preside over this emerging new concept. Failing to provide a precise and consistent form of management will negatively affect the industry's ability to plan for its future, compete with international providers and attract financing from investors.

The underlying bill creates a process for all commercial space flight and grants authority over commercial human space flight to the FAA's Office of the Associate Administrator for Commercial Space Transportation. This will clearly define the structure to allow flights of suborbital rockets carrying human beings. Centrally locating this within the Administrator's office will also expedite the issuance of permits and licenses for commercial space travel. The Administrator will also be charged with drafting a policy for crews relating to training and medical condition prior to space travel.

Mr. Speaker, H.R. 3752 is a noncontroversial bill that moved easily through the committee process and is necessary to support this emerging space industry. I urge my colleagues to support this rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from New York for yielding me the customary 30 minutes and I yield myself such time as I may consume.

Mr. Speaker, I want to recognize Chairman BOEHLERT, Ranking Member GORDON and the entire Science Committee's hard work in crafting this legislation. While I am disappointed that the Committee on Rules did not grant an open rule today, it is refreshing to actually consider a truly bipartisan bill in this body.

Mr. Speaker, H.R. 3752 will promote the development of the emerging commercial human space flight, extend the government indemnification until 2007, and allow the FAA to issue experimental launch permits. Mr. Speaker, the idea of space travel is extremely exciting and it holds a special place in the heart of Massachusetts' Third Congressional District. My hometown of Worcester, Massachusetts, is the birthplace of Dr. Robert Goddard, the father of modern rocketry. At the age of 17, Dr. Goddard had a vision of space travel while in his family's backyard that would remain with him the rest of his life. In his autobiography, Goddard wrote:

''On the afternoon of October 19, 1899, I climbed a tall cherry tree. It was one of the quiet, colorful afternoons of sheer beauty which we have in October in New England, and as I looked towards the fields at the east, I imagined how wonderful it would be to make some device which had even the possibility of ascending to Mars. I was a different boy when I descended from the tree from when I ascended for existence at last seemed very purposive.''

Mr. Speaker, in 1926 Dr. Goddard, as Director of the physical laboratories at Clark University, went on to launch the first liquid propellant rocket at Auburn, Massachusetts, which was the catalyst for our modern space industry. Throughout his lifetime, Dr. Goddard was at the forefront of science and space research. As a Professor at Clark University and Princeton University, Dr. Goddard devoted his life to the growth of rockets and his research has had lasting effects on our space industry.

During World War II, Dr. Goddard was Director of Research for the Navy Department's Bureau of Aeronautics. In that position he developed jet-assisted takeoff and variable-thrust liquid propellant rockets at Annapolis, Maryland and Roswell, New Mexico. Following his service as a researcher to our Nation in World War II, Dr. Goddard served a year as Director of the American Rocket Society before passing away on August 10, 1945 in Baltimore, Maryland.

As is the case with innovation, many people did not see the potential that Dr. Goddard's research would have on future space travel. Indeed, a New York Times editorial in January 1920 stated that Dr. Goddard's assertions of future space travel lacked the knowledge ladled out daily in high schools. Dr. Goddard countered by saying that every vision is a joke until the first man accomplishes it. Once realized, it becomes commonplace. Of course, 49 years later on the eve of man's first walk on the Moon in 1969, the New York Times printed a correction to their editorial by stating that it is now definitely established that a rocket can function in a vacuum as well as in an atmosphere. The Times regrets the error. That was in their editorial.

Since the start of the space program, we have seen Americans walk on the Moon, we have started to construct an international space station, and we currently have unmanned rovers exploring the surface of Mars. And now, with the passage of this legislation, commercial space travel is one step closer to reality.

Mr. Speaker, while I am disappointed that the Committee on Rules would refer a restrictive rule for this bipartisan bill, I keep hoping that one of these days the rhetoric of my friends on the majority side will be actually matched by their actions, but I guess we are going to have to wait for that day. But having said that, I will not oppose the rule and I support the underlying legislation.

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

Mr. REYNOLDS. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

H. Res. 530, by the yeas and nays;

H.R. 912, by the yeas and nays;

H.R. 3389, by the yeas and nays;

H.R. 1417, by the yeas and nays.

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

URGING INTRODUCTION OF RESOLUTION CALLING ON CHINA TO END ITS HUMAN RIGHTS VIOLATIONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 530, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 530, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 2, not voting 29, as follows:

[Roll No. 34]

YEAS—402

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

NAYS—2

McDermott
Paul

NOT VOTING—29

Aderholt
Akin
Baca
Berry
Calvert
Castle
Chocola
Davis (CA)
Doggett
Dooley (CA)
Filner
Frank (MA)
Hinojosa
Hooley (OR)
Kucinich
Lantos
McCotter
Ortiz
Pence
Reyes
Rodriguez
Royce
Sánchez, Linda T.
Schiff
Smith (MI)
Stearns
Toomey
Weldon (PA)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1408

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Resolution urging the appropriate representative of the United States to the 60th Session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS: Mr. Speaker, on rollcall No. 34 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. FILNER. Mr. Speaker, on rollcall No. 34, due to urgent constituent support commitments in my congressional district, I missed the vote. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the remainder of this series will be conducted as 5-minute votes.

CHARLES ''PETE'' CONRAD ASTRONOMY AWARDS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 912, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 912, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 1, not voting 28, as follows:

[Roll No. 35]

YEAS—404

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson

Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—28

Aderholt
Baca
Berry
Calvert
Castle
Chocola
Davis (CA)
Doggett
Dooley (CA)
Filner
Hinojosa
Hooley (OR)
King (IA)
Kucinich
Lantos
McCotter
Ortiz
Pence
Peterson (PA)
Reyes
Rodriguez
Royce
Schiff
Smith (MI)
Toomey
Weldon (FL)
Weldon (PA)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1416

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 35, due to urgent constituent support commitments in my Congressional District, I missed the vote. Had I been present, I would have voted "yea."

Mr. WELDON of Florida. Mr. Speaker, on rollcall No. 35, I was unavoidably detained. Had I been present, I would have voted "yea."

PERMITTING MALCOLM BALDRIGE NATIONAL QUALITY AWARDS TO NONPROFIT ORGANIZATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3389.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Ms. HART) that the House suspend the rules and pass the bill, H.R. 3389, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 36]

YEAS—408

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw

Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Aderholt
Baca
Berry
Calvert
Castle
Chocola
Davis (CA)
Doggett
Dooley (CA)
Filner
Hinojosa
Hooley (OR)
Kucinich
Lantos
McCotter
Ortiz
Pence
Reyes
Rodriguez
Royce
Schiff
Smith (MI)
Toomey
Weldon (PA)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

□ 1426

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 36, due to urgent constituent support commitments in my Congressional District, I missed the vote. Had I been present, I would have voted "yea".

COPYRIGHT ROYALTY AND DISTRIBUTION REFORM ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1417, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1417, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 37]

YEAS—406

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

NOT VOTING—27

Aderholt
Baca
Berry
Brown (OH)
Calvert
Castle
Chocola
Davis (CA)
Doggett
Dooley (CA)
Filner
Hinojosa
Hooley (OR)
Kucinich
Lantos
McCotter
Ortiz
Pence
Reyes
Rodriguez
Royce
Schiff
Smith (MI)
Toomey
Weldon (PA)
Weller
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1434

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 37, due to urgent constituent support commitments in my Congressional District, I missed the vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BACA. Mr. Speaker, on rollcall Nos. 34, 35, 36, and 37, for personal reasons, I was unable to be in the chamber when the time elapsed on the vote.

Had I been able to vote, I would have voted "aye" for all four votes.

RECESS

The SPEAKER pro tempore (Mr. BASS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 32 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1608

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 4 o'clock and 8 minutes p.m.

GENERAL LEAVE

Mr. LINDER. 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. 2136.

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

There was no objection.

MAKING IN ORDER AMENDMENT IN LIEU OF AMENDMENT PRINTED IN HOUSE REPORT 108–431 DURING CONSIDERATION OF H.R. 1561, UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2003

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the amendment that I have placed at the desk be considered as the amendment printed in House Report 108–431 and numbered 1 and that the amendment be considered as read for purposes of this unanimous consent request.

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

There was no objection.

The text of the amendment is as follows:

AMENDMENT TO H.R. 1561, AS REPORTED, OFFERED BY MR. SENSENBRENNER OF WISCONSIN

Strike section 5 and insert the following:

SEC. 5. PATENT AND TRADEMARK FUNDING.

Section 42(c) of title 35, United States Code, is amended—

(1) by striking ''(c)'' and inserting ''(c)(1)''; and

(2) by adding at the end the following new paragraph:

''(2) There is established in the Treasury a Patent and Trademark Fee Reserve Fund. If fee collections by the Patent and Trademark Office for a fiscal year exceed the amount appropriated to the Office for that fiscal year, fees collected in excess of the appropriated amount shall be deposited in the Patent and Trademark Fee Reserve Fund. After the end of each fiscal year, the Director shall make a finding as to whether the fees collected for that fiscal year exceed the amount appropriated to the Patent and Trademark Office for that fiscal year. If the amount collected exceeds the amount appropriated, the Director shall, if the Director determines that there are sufficient funds in the Reserve Fund, make payments from the Reserve Fund to persons who paid patent or trademark fees during that fiscal year. The Director shall by regulation determine which persons receive such payments and the amount of such payments, except that such payments in the aggregate shall equal the amount of funds deposited in the Reserve Fund during that fiscal year, less the cost of administering the provisions of this paragraph.''.

In section 6(a), strike ''Except as'' and all that follows through the end of the sentence and insert ''Except as otherwise provided in this Act and this section, this Act and the amendments made by this Act shall take effect on October 1, 2004, or on the date of the enactment of this Act, whichever occurs later.''.

Page 12, strike lines 17 through 20 and insert the following:

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Section 41(f) of title 35, United States Code, shall apply to the fees established under the amendments made by this section, beginning in fiscal year 2005.

(2) CONFORMING AMENDMENT.—Effective October 1, 2004, section 41(f) of title 35, United States Code, is amended by striking ''(a) and (b)'' and inserting ''(a), (b), and (d)''.

Page 11, add the following after line 24:

''(F) The Director shall require that any search by a qualified search authority that is a commercial entity is conducted in the United States by persons that—

''(i) if individuals, are United States citizens; and

''(ii) if business concerns, are organized under the laws of the United States or any State and employ United States citizens to perform the searches.

''(G) A search of an application that is the subject of a secrecy order under section 181 or otherwise involves classified information may only be conducted by Office personnel.

''(H) A qualified search authority that is a commercial entity may not conduct a search of a patent application if the entity has any direct or indirect financial interest in any patent or in any pending or imminent application for patent filed or to be filed in the Patent and Trademark Office.

Page 12, insert the following after line 20 and redesignate the succeeding subsection accordingly:

(e) FEES FOR SMALL ENTITIES.—Section 41(h) of title 35, United States Code, is amended—

(1) in paragraph (1), by striking ''Fees charged under subsection (a) or (b)'' and inserting ''Subject to paragraph (3), fees charged under subsections (a), (b), and (d)(1)''; and

(2) by adding at the end the following new paragraph:

''(3) The fee charged under subsection (a)(1)(A) shall be reduced by 75 percent with respect to its application to any entity to which paragraph (1) applies, if the application is filed by electronic means as prescribed by the Director.''.

(f) SIZE STANDARDS FOR SMALL ENTITIES.—

(1) STUDY.—The Director, in conjunction with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration, shall conduct a study on the effect of patent fees on the ability of small entity inventors to file patent applications. Such study shall examine whether a separate category of reduced patent fees is necessary to ensure adequate development of new technology by small entity inventors.

(2) REPORT.—The Director shall, not later than 6 months after the date of the enactment of this Act, submit a report on the results of the study under paragraph (1) to the Committee on the Judiciary and the Committee on Small Business of the House of Representatives and the Committee on the Judiciary and the Committee on Small Business and Entrepreneurship of the Senate.

Page 8, line 3, add the following after the period: ''For the 3-year period beginning on October 1, 2004, the fee for a search by a qualified search authority of a patent application described in clause (i), (iv), or (v) of subparagraph (B) may not exceed $500, of a patent application described in clause (ii) of subparagraph (B) may not exceed $100, and of a patent application described in clause (iii) of subparagraph (B) may not exceed $300. The Director may not increase any such fee by more than 20 percent in each of the next 3 1-year periods, and the Director may not increase any such fee thereafter.''.

PROVIDING FOR CONSIDERATION OF H.R. 1561, UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 547 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 547

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1561) to amend title 35, United States Code, with respect to patent fees, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 547 is a fair, structured rule that provides for the consideration of H.R. 1561, the U.S. Patent and Trademark Fee Modernization Act. This rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

H. Res. 547 provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read. The rule waives all points of order against the Committee amendment in the nature of a substitute.

H. Res. 547 makes in order only those amendments to the Committee amendment in the nature of a substitute which are printed in the Committee on Rules report accompanying the resolution.

The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

H. Res. 547 waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

With respect to the underlying legislation, H.R. 1561, the U.S. Patent and Trademark Fee Modernization Act, represents the beginning of the implementation of the revised Strategic Business Plan to transform the Patent and Trademark Office's operations by improving patent and trademark quality and reducing application backlogs and delays. The bill incorporates a revised fee schedule previously submitted by the PTO that would generate an additional $201 million in revenue. Specifically, H.R. 1561 amends Federal patent law to lower patent filing and basic national fees; increase appeal, excess claims, disclaimer, extension, revival, and maintenance fees; and add new fees for application examination, patent search, and patent issuance.

As our former colleague and former director of the PTO, Jim Rogan, noted, the implementation of the revised Strategic Plan hinges on the passage of H.R. 1561. He stated, ''Without the ability to hire and train new examiners and also improve infrastructure, our hands will be tied . . . The consequences of failing to enact the fee bill and giving the (PTO) access to those fees will mean quality and pendency will continue to suffer. We will be unable to hire needed examiners, and over 140,000 patents will not issue over the next 5 years. The inventory of unexamined patent applications will skyrocket to a backlog of over 1 million applications by 2008, more than double the current amount, and pendency (as measured from the time of filing) will jump to over 40 months average in the next few years. This would represent the highest pendency rates in decades.''

I agree with former Director Rogan's account, and I believe that H.R. 1561 will benefit our Nation in the processing of patent and trademark applications. I have always supported the rights of independent inventors to seek protections under Federal patent laws.

Undoubtedly, some of the world's greatest innovations have come from America's great independent inventors, including Thomas Edison and Alexander Graham Bell.

□ 1615

Nevertheless, it is also necessary to expedite patent applications to help protect small independent inventors.

Mr. Speaker, this rule was approved by the Committee on Rules last night. I urge my colleagues to support the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, I rise today in opposition to the U.S. Patent and Trademark Fee Modernization Act of 2003, as well as the rule providing for its consideration.

As the majority member of the committee previously mentioned, I agree that the premise of our patent system lies in its mutual benefit to both the inventor and our country. With the constant evolution of science and technology, spurred by the monetary incentive the U.S. patent system offers to inventors, new inventions have led to new technologies, job creation and improvements to our quality of life. Indeed, Congress should be creating legislation that fosters and nurtures the relationship between the United States Patent Office and the entrepreneur and business communities.

The underlying legislation, however, does nothing of the sort, and the rule which the majority is asking us to approve today stifles debate and limits our ability to improve this legislation.

I really find it outrageous that the bill in its current state hurts aspiring small businesses by inflicting additional fees on their patent and trademark applications. It should be our mission to build an enterprise society in which small firms of all kinds thrive and achieve their potential. We should not allow small businesses to fail before they even get started.

An amendment will be offered later today by our colleague the gentlewoman from Texas (Ms. JACKSON-LEE) that I strongly support. This amendment will aid in the promotion of enterprise across society, particularly in underrepresented and disadvantaged groups. I urge my colleagues to support this amendment.

In examining the underlying legislation, it is becoming increasingly clear that we should not call this bill the U.S. Patent and Trademark Fee Modernization Act. Instead, we should call it what it really is, the Increased Fees on Small Businesses Act of Fiscal Year 2003.

To make a bad bill worse, the majority is once again seeking to outsource the jobs of Federal employees. Simply put, the patent examining and processing are core governmental functions and should be performed by Federal employees. Yet, my friends in the majority are using the bill as another opportunity to fail Federal employees by outsourcing their jobs.

Mr. Speaker, Congress must protect the jobs of Federal employees. Like any workforce, the primary interests of Federal employees lie in opportunities for reward, professional development and job satisfaction. The United States Government trails behind the private sector when it comes to investing in its employees. When I see bills such as the underlying legislation, it seems unrealistic to think that change will occur under this leadership. Perhaps it will take their jobs to be on the line before we institute change.

Mr. Speaker, this bill has many glaring problems, and as I previously mentioned, I oppose the underlying legislation, and I will oppose the rule, and I urge my colleagues to do the same.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Georgia for yielding me the time. I appreciate that.

Mr. Speaker, this bill implements the revised Strategic Business Plan proposed by Director Rogan when he was at the Patent and Trademark Office to update the services and structure of the office. The Strategic Business Plan will enhance the quality of the patent and trademark examining operations, accelerating the application pendency period, making it more consumer friendly and efficient.

The manager's amendment to the bill addresses the fee diversion problem and prevents the PTO funds from being used to fund general revenue programs throughout the Federal Government.

Under the agreement reached between the gentleman from Wisconsin (Chairman SENSENBRENNER) and the Committee on Appropriations, PTO fees collected in a given fiscal year that exceed the appropriation to PTO for that year would be placed in what will be known as a PTO reserve fund. At the end of that fiscal year, the Director of the Patent and Trademark Office may determine if, and how, these funds should be allocated back to the eligible applicants.

Mr. Speaker, I have been a proponent of modernizing the patent and trademark fee structure and have fought on this floor year after year to protect these dollars from being used to fund non-PTO programs, as have my chairman the gentleman from Wisconsin and other Members of the Committee on the Judiciary. They have fought equally diligently to this end.

A fully funded United States Patent and Trademark Office is vital to sustaining the strength and growth of United States companies, inventors and innovations, and this legislation is integral to preserving the United States' worldwide leadership in the intellectual property industry.

I say to my friend from Georgia, who yielded to me, I was at the PTO office about 5 years ago for an event. I was invited to take part in an event there, and I said to those people, from the Director to all the patent examiners who were there and trademark examiners, I said I want to send a message to Capitol Hill and I want to tell everybody up there to keep their grubby paws out of the PTO coffers. Now that may have been an indelicate way of saying it, but I wanted to make clear to everyone up here that these funds should not be removed from PTO custody and control.

The opponents of such a proposal indicate that some sort of unjust enrichment will ensue if the PTO gets to keep these funds. That is poppycock. That is nonsense. These funds belong to the PTO, and I am confident that with the passage of this legislation, the diversion anathema that has plagued us for so long hopefully will finally be resolved.

I again thank the gentleman from Georgia for yielding me time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 7 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Florida for yielding me time.

Mr. Speaker, I would like to strongly oppose this bill, H.R. 1561, and I do so because it is based on our good old Constitution, which says the Congress shall have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries, and from the very founding of the republic that knowledge has been housed in the U.S. Patent Office where inventors around our country had confidence that those inventions belonged to them, protected by the Constitution of our Nation. So important patents are listed, patents inventors, congressional protection.

Today, we have a bill before us, H.R. 1561, that really is another episode in the outsourcing of American jobs. Yes, the outsourcing craze continues. It is like a virus that cannot be stopped. The American people cannot understand why their officials in Washington do not step in and put an end to this nonsense, but guess what, now the Federal Government is getting into the act and the outsourcing of jobs from our government, in this case the U.S. Patent Office, has infected the heart of American ingenuity.

Mr. Speaker, the bill before us authorizes the Patent and Trademark Office to outsource work. There is some palliative, feel-good language about companies being organized under the laws of the United States in the bill, but under U.S. law Honda is a U.S. company, Toshiba is a U.S. company. Saudi companies, if they operate on U.S. soils, are U.S. companies. That does not give me a lot of comfort. This is an insult to the entrepreneurs and inventors of this country.

As someone who comes from the State of Ohio, home of Thomas Edison and Charles Kettering, the thought of outsourcing patent application reviews from the U.S. Patent and Trademark Office is inconceivable. One might think that with this outsourcing, well, the price is going to go down to inventors. Are they going to get anything out of this? That is the way the free trade fundamentalists try to tell the story, send the work overseas if it can be done, send it out of the government, but guess what. They are going to raise the cost to patent holders. So the same old bankrupt theory is at work.

Patent application reviews will be outsourced, but the price to the small inventor or the small entrepreneur would not decrease. In fact, they put an additional fee, an additional tax on them. Currently, a small entity pays $385. The proposed fee would be $675 with an e-file and $750 without an e-file. Total fees for the life of a patent currently are $4,160, which is a lot of money for a small inventor. The proposed fee with an e-file would raise it to $4,875.

Call it what you want, fee increase, user fee adjustment, search fee. I will tell my colleagues what it really is. It is another tax, and a tough one, on the very people who are trying to invent America's future, the very people on whom we are counting for the intellectual moxie to fuel the information-based economy or knowledge-based economy that the experts say are supposed to lead us out of the doldrums that this economy is in.

The people in this country who tinker with objects and machines and ideas, why should they be taxed and why should we want to outsource anything from the U.S. Patent and Trademark Office?

If my colleagues vote for this bill, they are voting for a tax increase, and a rather large increase at that, on the best and brightest minds of our country. It is bad enough they want to outsource such an important function such as patent application search and examination. This is so important that it still remains right here in the Constitution of our country, and now we are talking about outsourcing constitutional responsibility. That in itself is an outrage, but to raise taxes on our inventors and our bright minds actually, in this environment, verges on insanity.

Where does it stop? Where does it stop? I urge my colleagues to vote against H.R. 1561.

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

Ms. KAPTUR. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I thank the gentlewoman for yielding and appreciate her comments.

At this time I will not get into the issue of the restricted nature under which outsourcing is permitted, but I think the gentlewoman accurately described the base bill. The chairman of the Committee on the Judiciary will be offering an amendment with respect to outsourcing outside the United States that restricts even the limited outsourcing that is allowed under this bill to companies organized under the laws of the United States. As the gentlewoman mentioned, that in and of itself does not protect against international outsourcing, or any State, and employ U.S. citizens to perform the searches.

So there will be an amendment to the base bill at the time that once the rule is adopted, if it is adopted, that will deal with that specific issue very specifically and prohibit that kind of outsourcing that the gentlewoman was concerned about.

Ms. KAPTUR. Mr. Speaker, this is a very important point, and I respect my dear colleague from California (Mr. BERMAN), but the facts are we are outsourcing patent review procedures from the U.S. Patent and Trademark Office. In other words, it is going to go to private companies, not the government of the United States, protected by what the Constitution demands. It is going to be outsourced to companies.

The question is what is a U.S. company? If we look into the law, a U.S. company operating within the boundaries of the United States, even if it is Honda Motor Corporation, is a U.S. company. Foreign corporations operating within the United States are defined as U.S. corporations because they operate within our soil.

□ 1630

But they are not U.S. corporations, because their profits are booked back to their home country. So I have a real problem with this.

Number one, we should not be outsourcing the jobs from the Patent Office. That is the most important line that we are breaching here. Never before in the history of this country has this been done. It has never been done. And then we are saying, well, you know, it will be a U.S. company. But then look to the law. How do we define what a U.S. company is? Any company operating within the boundaries of the United States? It could be Honda, it could be Toshiba, it could be Daemler, it could be any company.

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

Ms. KAPTUR. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I take the gentlewoman's point about U.S. companies and who might be called a U.S. company. I simply wanted to point out that the chairman of the Committee on the Judiciary has a manager's amendment that will not simply limit this to U.S. companies, but limit it to searches only by companies employing U.S. citizens to perform the searches. So there is that as an additional element.

Ms. KAPTUR. Mr. Speaker, reclaiming my time, and I thank the gentleman from California for those comments, but it is interesting because our submarine technology happened to end up in the hands of the former Soviet Union through a subsidiary of a company operating here and also in Europe. It does not matter if U.S. citizens are in those jobs; what matters is who owns the company. And beyond that, why should we be outsourcing anything from the Patent and Trademark Office?

I totally oppose this bill. At least I want on the record that there was one Member standing to say that the constitutional protections to America's patent holders and inventors should not be breached. It has been working. Why change it?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would appreciate Members' abiding by the time limits.

Mr. HASTINGS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired. Without objection, the previous question is ordered.

There was no objection.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

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 the bill H.R. 1561, soon to be considered.

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

There was no objection.

UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2003

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1561.

□ 1633

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1561) to amend title 35, United States Code, with respect to patent fees, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN) each will control 30 minutes.

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

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

Mr. Chairman, H.R. 1561 will help implement the Patent and Trademark Office's Strategic Business Plan to transform the agency's operations. The bill incorporates a revised fee schedule previously submitted by the PTO that will generate much-needed additional revenue. The plan also includes a true structural reform of the office, which demonstrates that the PTO is not simply saying give us more money and we will solve the problem. The implementation of the strategic plan is the first step forward toward improving patent and trademark quality while reducing application backlogs and pendency at the agency.

These goals are critical to the health of cutting-edge industries in particular and our economy in general. Americans lead the world in the production and export of intellectual property and related goods and services. Time is money in the intellectual property world. If the PTO cannot issue quality patents and trademarks in a timely manner, then inventors and trademark filers are the losers.

By granting patents and registering trademarks, the PTO affects the vitality of businesses and entrepreneurs, paving the way for investment in research and development. Industries based on intellectual property, like biotechnology and motion pictures, represent the largest single sector of the United States economy. Approximately 50 percent of American exports depend upon some form of IP protection.

While intellectual property protection is increasing in importance, the PTO is collapsing under an increasingly complex and massive workload. Patent pendency, the amount of time of patent application is pending before a patent is issued, now averages over 2 years. Without fundamental changes in the way the PTO operates, average pendency in these areas will likely more than double to 6 to 8 years in the next few years.

I would point out that the patent term is 20 years from the date of filing. So if it takes 6 to 8 years before the PTO can decide whether or not an application is indeed patentable and grants a patent, that will be that much less time that the patent is actually good, and, thus, that much less valuable to the person who has successfully invented a new technology or product and patented it.

Moreover, the backlog of applications awaiting a first review by an examiner will grow from the current level of 475,000 to over a million. These delays pose a grave threat to American businesses and entrepreneurs. The nature of technology and the nature of the marketplace make these delays unacceptable and unsustainable.

And what I would point out to the gentlewoman from Ohio and others who complain about this bill and the fee increases that are contained to modernize the system is that if our competitors in an increasingly globalized economy, in Europe and in Japan and elsewhere, are able to obtain more prompt decisions from their patent offices, that will put American inventors at a disadvantage considerably.

To fund the initiatives set forth in the strategic plan, the administration has proposed in H.R. 1561 an increase in patent and trademark fees. The proposed fee changes accurately reflect the PTO's cost of doing business. They will benefit the PTO's customers by reducing application filing fees and allowing applicants to evaluate the commercial value of their inventions and recover the cost of search and examination as the situation warrants. Most importantly, the new fee structure will enable the PTO to reduce pendency time, improve quality and customer service through electronic processing, and pursue greater enforcement of intellectual property rights abroad.

For example, the additional revenue provided by the fee bill will allow the PTO to hire an additional 2,900 patent examiners, these are Federal employees, not outsourced employees, and move to full electronic processing of patent and trademark applications.

The Committee on the Judiciary unanimously approved this bill on July 9, 2003. The administration and private sector strongly advocated the adoption of the fee bill as a necessary means to address the workload crisis at the PTO. Failure to pass the restructuring contained in H.R. 1561 will result in further degrading of PTO operations and increasing the already unacceptable delays to patent and trademark applicants.

Mr. Chairman, I will soon offer a bipartisan compromise amendment on section 5 of this bill. This portion of the bill, as reported, would essentially have taken the PTO off budget, a result that our friends at the Committee on Appropriations strongly opposed. My amendment, developed with their input, as well as that of the majority leader's office, the Congressional Budget Office, and the Committee on the

Budget, would deposit any fees collected in a given fiscal year in excess of that actually appropriated in a Fee Reserve Fund. At the end of the fiscal year, the director would then be empowered to rebate the reserve-fund revenue to users of the agency.

I understand that the CBO and the Committee on the Budget believe this compromise accomplishes the twin goals set forth by the majority leader's office in backing these discussions; that we will have eliminated the incentive to use PTO revenue for non-agency purposes without compromising the ability of the Committee on Appropriations to exercise their oversight prerogatives in providing appropriations for the agency. The mainstream user groups have signaled their intent to support the amendment based on this interpretation.

I appreciate very much the cooperation of the appropriators in working out this compromise, and I would call on them to take this opportunity to fully fund the strategic plan. Full funding will be crucial to achieving the changes that we all want to see at the PTO.

Now, let me say a couple of words of what the consequence will be if this bill is voted down. First, if this bill is voted down, the current fee diversion that occurs, where up to 30 percent of the fees that are collected by the PTO are not spent on PTO activities but instead are diverted into other areas under the jurisdiction of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations, will continue.

Patent and trademark applicants should no longer be required to fund functions of the Federal Government that have no relationship whatsoever to Patent and Trademark Office operations. This bill, and the amendment that I will be proposing at the conclusion of the general debate, will end the fee diversion and will mean that fees that are collected by the PTO will either be used by the PTO or refunded to the applicants and other users.

Second, if this bill gets voted down, instead of having a 2-year delay between the time of the application and the time that the application is acted upon, within the next several years that will expand to 6 or 8 years. And if it is 8 years, that means that the patent will only be good and effective for 12 years, because the patent term is 20 years from the date of application. That puts our successful patent applicants at a considerable disadvantage over those competitors who choose to patent their inventions overseas, where patent and trademark offices will work in a more expeditious manner.

I would point out that the small- and medium-sized enterprises who apply for patents under the compromise that is worked out will get a significant fee reduction from a large corporation that is applying for a patent. So there still is a break for small inventors. But there are fee increases; and we need these fee increases to be able to prevent unacceptably long backlogs from occurring, because it is anticipated that the business of the PTO will double in the next few years.

If we do not give them more money and we do not make this into a user fee, then the constitutional protection that the gentlewoman from Ohio and others are referring to will end up becoming very much debased in terms of their worth. I do not think that we want to see this happen, and that is why this legislation is essential to maintain the competitiveness of American intellectual property inventions and the inventiveness that has marked American society since the beginning days of our Republic.

The amendment that I offer in this bill is necessary for the improved performance of the PTO, and failure to enact this legislation will truly be a disaster for American innovation. I urge Members to support this bill.

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

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

Mr. Chairman, H.R. 1561 is a wonderful illustration of the principle that something does not have to be interesting to be important.

□ 1645

This bill is of critical importance to the health of our information economy. Intangible property, such as patents, trademarks and copyrights, now constitute well over 50 percent of the assets of U.S. corporations, both large and small. Most of the great advances in pharmaceuticals, telecommunications, biotechnology, and Internet fields began as patented inventions. Patent protection played a critical role in the creation and dissemination of inventions from the telephone to fiberoptics, from injectable insulin to laser eye surgery.

The Patent and Trademark Office, which issues both patents and trademarks, has a critical role to play in creating and securing these assets. By facilitating many needed reforms, H.R. 1561 ensures that the PTO plays a positive role in stimulating our information economy, rather than becoming an obstacle to it.

Furthermore, H.R. 1561 does not saddle the U.S. taxpayer with the cost of these reforms. The PTO is fully funded by fees from the patent and trademark applicants, and this bill raises some of those fees to enable those reforms. H.R. 1561 pays for other reforms by ending the innovation tax. Throughout the last decade, over $650 million in fees paid to PTO by American inventors and small businesses have been diverted to unrelated agencies. H.R. 1561 stops this tax on innovators by ending diversion once and for all.

The PTO is in a crisis that threatens the stability and usefulness of our patent and trademark systems. At congressional urging, the PTO has crafted a 21st-century strategic plan to address this crisis, but it needs this legislation to implement that plan.

H.R. 1561 is necessary because the patent system is coming apart at the seams. A perfect storm of sorts has hit the PTO, which administers the patent system. This storm threatens to make the patent system dysfunctional. This perfect storm involves a tremendous growth in the amount and complexity of PTO workload, matched by a decreasing ability to handle that workload. The number of patent applications received annually by the PTO doubled between 1992 and 2003 to a figure of over 350,000 last year. What is more, the number of applications continued to grow throughout our recent recession and is expected to increase another 5 percent this year. This growth is fed in part by the expanding scope of patentability. Due to a string of court opinions, patentable inventions now include software, business methods, and anything else made under the sun by man.

The technology boom in the United States has also resulted in applications for patents on inventions in areas of technology that did not exist just a few years ago. On a daily basis, PTO is asked to review applications for patents on such things as genetic tests and laser vision technologies.

The numerical growth, and the expanding scope, are matched by a growth in complexity. For instance, some biotechnology patents covering genetic sequences can occupy the equivalent of 10,000 pages. The PTO must hire new examiners with the requisite skills in these areas or fund extensive retraining for current examiners.

The PTO's decreasing ability to deal with this increasing workload is the result of several factors. Most responsible is the cumulative effect of more than a decade of fee diversion. The PTO is entirely funded by user fees. Patent and trademark holders and applicants pay the PTO a variety of fees to obtain and retain their patent and trademark rights. The fees are supposed to reflect the cost of services provided by the PTO; but between 1992 and 2003, Congress denied the PTO the ability to spend $654 million of the fees paid to it. Instead, Congress appropriated these fees for unrelated programs. This will stop as a result of this bill.

As a result of that diversion, the PTO has been forced to gradually cannibalize itself. It has deferred critical information technology upgrades. It has squeezed every ounce of possible productivity out of examiners, and appears now to be asking them to review applications in an unrealistic time frame. It even laid off almost one-third of its trademark examining corps. Despite these drastic measures, the PTO only managed to delay, not avert, a train wreck. By all objective measures, that train wreck is upon us.

I could go through, and my the statement in the RECORD will contain a full

statistical explanation of the incredible increase in the backlog for patent applications, but in conclusion, it takes more than 2 years now for a patent application to be granted or disposed. In many cases, more than 60 months is the pendency for a patent application.

Why does this pendency matter? Why do we care about these backlogs? It affects both the patent applicants and society at large. Patent ownership enables individual inventors and small businesses to obtain capital. Patent ownership gives prospective financiers, such as venture capitalists and banks, important reassurance that investment in a small entity is sound.

Long patent pendency also negatively affects society at large. Long patent pendency and patent backlogs creates substantial uncertainty in the marketplace and thus makes it difficult for all businesses to operate. A backlog of 500,000 patent applications may cover business methods now common in the financial service business, software contained in every personal computer, or a type of computer chip that will cost billions to manufacture.

As troubling as the lengthy patent pendencies are, they are not the gravest problem facing the PTO. Even greater concern should be given to the quality of the patents granted by PTO. When PTO grants patents in error to things that are not true inventions, many negative side effects occur. Low-quality patents can deter scientific research, create obstacles to legitimate commercial activities, and create opportunities for illegitimate rent-seeking. A bad patent on a pharmaceutical drug means that consumers cannot obtain a cheaper generic version. A bad patent on Web browser technology may force the redesign of every piece of software interoperating with current Web browsers.

Using a random sampling methodology, the PTO estimates its error rate for patents issued in fiscal year 2003 at 4.4 percent. That means more than 7,000 patents were issued in error. That means that at any given time given the 7-year pendency term for patents, there are over 120,000 bad patents in force.

Enactment of this legislation will enable the PTO to substantially improve patent quality. It will also enable the PTO to hire 750 new patent examiners a year between 2004 and 2006, and additional numbers in subsequent years. It will take time to train these new examiners. They will eventually be able to shoulder some of the patent examination workload that threatens to swamp the current examining corps. With an expanded examining corps, the PTO will be able to give patent examiners more flexibility in the amount of time they spend on any one application.

I am convinced that H.R. 1561 is an important part of the solution to the pendency and quality problems. It is a first absolutely necessary step to reforming the PTO. There are other legislative proposals that deal with a number of these issues, but this is the key first step. I urge my colleagues to approve H.R. 1561.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

I rise in support of the legislation, H.R. 1561. Congress has been working on this legislation for a number of years, in fact, since before I got here. I know since the 106th Congress, they have attempted to solve the problem that exists in the Patent and Trademark Office, that is, funding problems, structural problems, and approval-time problems.

Passage of this bill is imperative, and it is long overdue. Unfortunately, quality, pendency, and overall efficiency have continued to be a problem throughout these years. In fact, there is a greater threat to the health of American's intellectual property system than ever. The longer we wait to confront these issues and pass this bill, the more costly and time consuming it will be to overcome the problems.

Through working on the legislation, it has become clear to me that a strong patent and trademark system is not only essential for continued growth of the high-tech industry here in this country, but for our entire economy.

H.R. 1561 has fee readjustments that will enable the Patent and Trademark Office to fund its operations as needed to ensure that the long-term goals of enhanced efficiency and proficiency of staff are met by providing a more vibrant, seamless, and cost-effective intellectual property system.

The readjustment of the fees will generate an additional $201 million in revenue for improvements at the Patent and Trademark Office. That means less time to review a patent, better quality staffing, and better quality patents.

While fee readjustment alone is insufficient, the enactment of this bill is a necessary precursor to the implementation of crucial administrative changes, such as quality checks at every stage of the examination process, improvements in patent practitioners in customer service and ability to provide competent analysis of applications, refinement of training and performance assessment programs, testing for and evaluations of these patent examiners to ensure thorough understanding of relevant technology, applicable law, and related internal procedures.

Also of key importance is acceleration of processing time by transitioning from paper to e-government processing, hiring of almost 3,000 examiners, reduction in the pendency of these applications and the backup at the PTO. All of these issues will be addressed under this bill.

Failure to enact the bill will mean that quality and pendency issues will continue to cause harm to American innovators and to American job creators. Without this legislation, the backlog of applications will skyrocket to over 1 million applications by 2008, more than double the current amount. The pendency time will also continue to increase. This cannot be tolerated. We need to pass this bill.

Finally, families in the communities I represent are dependent upon this bill's success. A significant number of the people in my communities are employed in the coatings industry, in the glass industry, plastics, specialty steel, not to mention high-technology communications and technology for health care devices. These products are unique processes and are unique products. We need to have these products patented to keep these jobs in the United States, to keep these people in my community employed.

I know that employers and innovators are at the heart of providing these jobs. We need to protect their innovations and their processes. We need to make sure that our Patent and Trademark Office works for them. I urge my colleagues to support this bill.

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary and the first articulator of the principle ''no end to diversion, no fee increase.''

Ms. LOFGREN. Mr. Chairman, I thank the ranking member of the subcommittee and the chairman. Yes, it is true that we have been objecting to the diversion of fees from the Patent and Trademark Office for some time. In fact, since 1962 some $6 million has been diverted from the PTO and put to other uses; and according to the Patent Public Advisory Committee, this has created a crisis at the PTO. There is inadequate funding, and there is also a significant increase in patent and trademark applications.

The diversion of fees is not the cause of the problems in the Patent Office. It is the cause of the inability to deal with the problem in the Patent Office. We know that we have to spend more to implement the plan that Jim Rogan, our prior colleague, headed up when he was at the Patent Office. We need to upgrade the computer system so we have a priority search that really is worthy of our country. We know that the amount of time that each patent examiner has to examine a patent is insufficient. It is impossible to do the kind of job that we want them to do and they want to do in the time available.

Because of the problems in the act and the diversion of fees, I think we have had some problems with some of the patents that have been generated in recent times. There have been substantial questions generated about some of them. We hear a lot about the business methods patents, but it is not

just about those patents; and it is important that we do not grant a patent that cannot withstand a court challenge. It is costly and wastes valuable resources; but more importantly, it grants unwarranted rights of exclusivity that deter otherwise lawful activity and impedes competition and innovation.

□ 1700

Furthermore, the pendency for patents is now averaging 24.7 months, which is an unbelievable delay. When we think about the pace of technological change that a patent should on average take, 24.7 months is really not a good thing for the innovation high-tech economy. To quote a former First Lady, those of us on the Committee on the Judiciary believe we should just say no to patent fee diversion. Patentors and inventors do not object to being taxed on their income just the way other Americans are taxed on their income but to divert patent fees to general purposes is basically a tax on innovation, a special tax on innovation. That is something that we should object to.

I believe that the bill before us with the compromises that have been made is one that I can support. I think in the end it will well serve our country. It will well serve our economy. Because as someone from Silicon Valley, I know as well as anyone that it is innovation that really grows the American economy and by making the Patent Office better, by precluding the diversion of fees, we will help that innovation economy.

I would note further that in all of my dealings with innovators in Silicon Valley and really around the country, not one has objected to the increase in fees. Not a single one. What they object to is the diversion of fees. I recommend this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise today to express my sincere gratitude and appreciation to my good friend, the distinguished chairman of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations, for his work with me on this bill. Working to reform the PTO to ensure timely and effective intellectual property protection for American inventors and businesses has been a multiyear effort for many of us, authorizers and appropriators, on both sides of the aisle. Today, we see the fruits of these efforts. Thanks to the support of Chairman WOLF and full committee Chairman YOUNG, our committees have come together and reached an agreement on a funding mechanism that will enable the USPTO to fully fund its restructuring and reform activities. It is my understanding that this rebate mechanism would ensure that all revenue from patent and trademark fees would in fact go to the USPTO or would be rebated to those who have paid the fees. As a result, the USPTO, which receives no taxpayer dollars and is fully fee-funded, would now be able to retain its fee revenue and to fully fund their widely supported 5-year strategic plan. Is that the gentleman from Virginia's understanding?

Mr. WOLF. If the gentleman from Wisconsin will yield, I concur with the reading of the intent of this funding mechanism. I would add that an important tool the Committee on Appropriations uses in its oversight of the Patent and Trademark Office as a Federal agency is control over its discretionary appropriation. We will ensure that this new funding mechanism maintains that control and does not give the Patent and Trademark Office a blank check particularly at a time when all discretionary spending is tight.

The USPTO must modernize. The Committee on the Judiciary and USPTO's user groups have developed a comprehensive 5-year blueprint to streamline the operations of the office. Given the significant increase in funding that this bill would provide, I have asked the General Accounting Office and the National Academy of Public Administration to conduct comprehensive reviews to ensure the moneys are spent to reduce pendency and increase the quality of our patent and trademark system.

Particularly in the high-tech sector, a company's competitiveness is directly related to the amount of time it takes to receive a patent for their new product. They are disadvantaged when the life cycle of their products expires before they are able to get a patent. I would also like to thank the chairman for including language to ensure that searches are not outsourced offshore. I think it is important for Members to know under no circumstances should this be outsourced to another country and under no circumstances should these searches be conducted by non-U.S. citizens.

I commend and thank the gentleman from Wisconsin for his work on this measure, and I urge its adoption.

Mr. BERMAN. Mr. Chairman, notwithstanding the difference of view we have on this issue, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR), a tenacious fighter for that in which she believes.

Ms. KAPTUR. Mr. Chairman, I want to thank the gentleman from California for allowing this institution to function as it should and to allow those who disagree with this bill an opportunity to speak.

Mr. Chairman, across our country we see the dismantling of jobs and business in this country. This particular bill, H.R. 1561, dismantles the Patent and Trademark Office as we have known it. If one reads article 1, section 8, it says, the Congress shall have the power to secure for inventors the exclusive right to their respective writings and discoveries. Throughout the over 200-year history of our country, that has been done through the U.S. Patent and Trademark Office. The bill before us on page 11 reads, the Director can provide that searches be done by commercial entities.

That is not what the Constitution says. That is not the U.S. Patent Office. That is a commercial entity. Yes, searches will be outsourced from the U.S. Patent Office. You could say they would be contracted out. That is not the U.S. Patent Office. We have plenty of examples in this world of copycatting of inventions, of counterfeiting of intellectual property, particularly by the Chinese and by patent thieves and by submarine patents. There are plenty of things going on in this world that contracting out or outsourcing of the Patent Office does not help because you cannot secure the honesty or the integrity of those instrumentalities. And though the bill says business concerns, it does not say corporations, it says business concerns organized under the laws of the United States that indeed can be a foreign corporation, because a foreign corporation operating inside the United States, be it Chinese, Japanese, Bangladeshi, Indian, whatever, is defined as a U.S. corporation. That is not the Patent and Trademark Office of the United States of America. Patent holders actually will not know if their search is being outsourced or contracted out and they will not know to whom. And in terms of the fees being charged, the additional tax being put on small inventors and small companies, all this bill has, with all due respect to the Committee on Small Business, is a study. It does not stop those fees and taxes from being imposed. It increases them. How in heaven's name does this make America any more secure?

I might point out to my dear friend from Wisconsin, as good a Badger as he is, that indeed the Japanese patent system and the European patent system are not the American system. We have the protections here, which is why other countries want to file their patents here. We do not want to harmonize with systems unlike ours. We want them to be like us. Why are we doing this? And if a patent search takes a while, that is a good thing. It protects my rights, particularly my rights as a small inventor. So I would say with all due respect to the authors of this legislation, changing the U.S. Patent Office, why? Why dismantle it after over two centuries of success?

I deeply thank the gentleman from California for yielding me this time. At least we had the opportunity to put our views on the record. I would ask my colleagues to vote ''no'' on H.R. 1561.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, one of our jobs in Congress is to make the government work. We have heard ample data that has been presented on both sides of the aisle that the PTO is in crisis and unless we pass legislation, things will get worse rather than better. What this bill does is that it allows the PTO to

add an additional 2,900 patent examiners, government employees, so that there will be more people on the government payroll to examine these applications. If the bill goes down, those 2,900 people will not be there.

And we have heard a lot about diversion from the gentleman from California (Mr. BERMAN), the gentlewoman from California (Ms. LOFGREN) and others. This bill ends the diversion. So we will not be using PTO fees for other government programs. If the bill goes down, the diversion will continue. The outsourcing issue, the amendment that has been agreed to will, number one, require that the outsourcing if it is done be done by a U.S. corporation; two, it will be done by American citizens; and, three, it will be done in the United States of America.

If we do not do that, then we are going to further complicate the patent process. I would point out that our patent law is such that if there is an infringement suit the patent holder must prove that the patent is valid. That is not the case under foreign patent laws. So if there is a bad patent that is issued because the PTO is rushed, then it is going to cost the patent holder more when an infringement suit is filed. That does not happen in the case of a patent that is issued by a foreign country. This bill makes the quality of the patents that are issued by the Patent Office better because we have got more people looking at them and they are not as rushed.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentleman very much for yielding and would just wish to ask him this question. If there are additional staff that will be working directly for the U.S. Patent and Trademark Office, then why does this bill permit commercial entities to do the review process, which means you are outsourcing or contracting out work that should legitimately be done by the office?

Mr. SENSENBRENNER. The answer to the question is that it speeds up the process. And with the WTO treaty changing the patent term to 20 years from the date of filing, every day that there is a delay in actually determining whether the application results in the patentable invention means that there is one less day of patent protection before that patent expires. So if it takes 8 years for the PTO to act on an application, that means that somebody who has invented something only has got 12 years left. With software technology increasing at such a rapid rate, by the time the PTO acts if we do not do something about it, the invention is going to be practically useless.

Ms. KAPTUR. If the gentleman could clarify, he has stated then that because of the World Trade Organization, the WTO requirements, this is why we are having to pass this bill?

Mr. SENSENBRENNER. If the gentlewoman from Ohio will refresh her recollection, the WTO treaty was ratified by Congress. It was urged upon us and signed by President Clinton. I joined the gentlewoman from Ohio in opposing the WTO treaty when it came up in 1994 but we lost on that and the extension or the change in the patent term from the previous 17 years of the date of granting of the patent by the Patent Office was changed to 20 years from the date of filing. The gentlewoman and I voted against it but it is the law and we have to face up to the fact that the longer the PTO delays in issuing a patent, the less time of patent protection there is for an applicant for a patent who succeeds.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I want to thank Chairman SENSENBRENNER and Chairman LAMAR SMITH for their very important changes for small entities and other Patent and Trademark Office users. I also want to thank their dedicated and excellent staffs, Phil Kiko, Steve Pinkos and Blaine Merritt. I also want to thank the majority leader and his staff led by Brett Loper for crafting a very excellent amendment to this bill that as the chairman of the Committee on Small Business I am satisfied that the small inventor is protected.

Mr. BERMAN. Mr. Chairman, I yield myself 30 seconds.

The gentlewoman argued in favor of her position, take more time. There is no problem with taking time. The fact is we want a thorough investigation. We want a good quality patent. But simply taking more time, the argument against that is not simply the one made by the chairman about the patent term and how much of it will be left, it is that in that backlog that is getting longer and longer and longer are lifesaving medical devices, new drugs, new technologies to make America more productive and efficient, fascinating and important inventions that need to be disseminated and distributed and will not be until that patent issues.

□ 1715

That time is costing our economy and our people both in terms of quality of life, health care, and economic efficiency.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WEXLER), a member of the subcommittee.

Mr. WEXLER. Mr. Chairman, as a member of the Subcommittee on Courts, the Internet, and Intellectual Property and as a co-chair of the Congressional IP Caucus, I rise in strong support of H.R. 1561, and I am quite pleased that the House leadership has allowed this compromise to be reached and that we have the debate today.

The Patent and Trademark Office is in severe need of additional resources to ensure the expedience and quality of the patent examination process. Without these valuable changes, an overburdened and slow patent examination system will deter the innovations of American business. Given the importance to our lives and our economy, patent reform is one of the most important issues for increasing the growth and strength of the economy for both small and large businesses. Congress has the opportunity with this bill to give the PTO the flexibility they have been asking for to strengthen and improve America's patent system.

The gentlewoman from Ohio (Ms. KAPTUR) is correct to raise the issue and the concern of loss of jobs in America and the outsourcing of jobs. I would respectfully argue that one of the ways in which to assist American workers in regaining what they have lost over the past 3 years is to allow the Patent and Trademark Office these reforms that are in desperate need and should have been done years ago.

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. SMITH), who is the chairman of the subcommittee.

Mr. SMITH of Texas. Mr. Chairman, first of all, I would like to personally thank the gentleman from Wisconsin (Chairman SENSENBRENNER); the gentleman from Illinois (Chairman MANZULLO); the gentleman from Florida (Chairman YOUNG); the gentleman from Virginia (Chairman WOLF); and also the gentleman from California (Mr. BERMAN), ranking member, for their help in pulling this bill together. They helped to iron out the wrinkles. They helped resolve the differences between many parties, and it is much appreciated.

Mr. Chairman, this legislation that I authored modernizes the U.S. Patent and Trademark Office. It was inspired by two principles essential to a democracy: the protection of intellectual property rights and the freedom to exchange goods and services.

The Patent and Trademark Office does not receive the attention of other government agencies such as the Department of State and Department of Justice, but it should. The Patent and Trademark Office is crucial to the health of our economy and to the lives of millions of Americans.

The Patent and Trademark Office protects the rights of all American inventors. From the lone individual working in their garage to the small business owner with a breakthrough idea to the large high-tech company that applies for hundreds of patents, all rely on a responsive Patent and Trademark Office. Without a strong PTO, our economy would be devastated, our quality of life would be diminished, and jobs would be lost or never created in the first place.

Mr. Chairman, this bill prevents the diversion of Patent and Trademark Office fees paid by inventors to fund government programs unconnected to the agency. The diversion of fees to the office is unfair, counterproductive, and an obstacle to sustained economic

growth. Approximately $750 million has been diverted from the PTO in the last decade alone. Such a large revenue loss has deprived the Patent and Trademark Office of the resources it must have to serve the patent and trademark holders of the United States. At a time when the office is struggling to pay its examiners enough and to keep up with applications, particularly in high-tech areas, Congress should take an interest in protecting our economy by keeping patents and trademark fees within the Patent and Trademark Office.

This bill enables the Patent and Trademark Office to hire 2,900 new patent examiners. Today the average time to process a patent exceeds 2 years. Without the new examiners, agency delays will soon reach 3 or even 4 years. If this fee bill does not become law, it is estimated that 140,000 patents will not be issued over the next 5 years. That is 140,000 missed opportunities for the American people.

If nothing is done, if the status quo continues, it means new products will not make it to the market, jobs will not be created, and the inventors who came up with new ideas and products will not have their intellectual property protected and so will not market their inventions.

This bill helps small businesses and nonprofit institutions. It provides a 50 percent discount on most services to small businesses, universities, and other nonprofit entities. The benefits of an improved and streamlined PTO will help small businesses and universities and encourage new research and innovation.

Mr. Chairman, I would like to again thank the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for making this issue a priority for our committee and working with the appropriators to resolve our differences on PTO funding.

Since U.S. Patent No. 1 was issued in 1837 for traction wheels, the patent system and the creativity, genius, and talent that defined it have benefited all Americans. From the revolutionary electric light bulb to the latest software technology, patents reflect America and contribute to our economic prosperity.

This bipartisan bill is supported by these organizations: the Information Technology Industry Council, Chamber of Commerce, the National Association of Manufacturers, the Intellectual Property Owners, the International Trademark Association, the Association of American Universities, and the Association for Competitive Technology, as well as many others.

Mr. Chairman, this bill is good for innovation, good for the economy, and good for the American people. The PTO has rarely been more important than it is today. It must have the resources it needs to professionally and expeditiously process patent and trademark applications. American jobs, profits, and the future of entrepreneurial capitalism are literally at stake.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, this bill is consistent with an idea expressed by a former Member of this Chamber who did pretty well for himself, Abraham Lincoln. Lincoln said that the Patent Office adds the flame of interest to the light of creativity. And that is why we need to improve the effectiveness of our Patent Office. We need to do so because what we all recognize in this Chamber is one answer to the $64,000 question of how we are going to grow jobs in this country, is we are going to do this by playing to our American unique strength; and the uniquely American strength is we are the best innovators, we are the best technologists, we are the best creators for new devices the world has ever seen. And we need to play to this unique American strength in our strategy on how to deal with the development of the global economy. And this bill, although it will be little noted, it should be long remembered in our ability to play to that strength because we have people in every district in this country who today are working on inventions who will have the added flame of interest to their light of creativity.

Let me give the Members an example. I have got some folks this afternoon who are working on a potential drug in Bothell, Washington, that could potentially actually cure in a meaningful way one type of diabetes. Those folks who are laboring over their computers and bunsen burners today deserve an American Patent Office that will process patents in a timely fashion, which we simply do not have now. We do not want to see the time period move from a horrendous 2-year delay today up to a 4- or 6-year delay in 5 or 6 years.

So I want to show my appreciation for the chairman and the gentleman from California (Mr. BERMAN), who have worked on this to get this bill to the floor. It is one answer to how we are going to really compete in a global economy. Let us play to the American strength. Let us improve the Patent office. Let us grow jobs in this country.

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

I have no further requests for time, but I do want to address this issue of outsourcing just to get the record straight here. As a general principle, I am opposed. I share the feelings of the gentlewoman from Ohio regarding the general proposition, the farming government responsibilities and jobs out to private entities and particularly when we are dealing with core government functions; and I think searches performed by patent examiners may be such core functions. But in H.R. 1561 what we took was an open-ended proposal from the Patent Office to allow outsourcing of searches, and working with the gentleman from Texas (Chairman SMITH), with other committee members, with the PTO, with PTO employee unions, and with all the various industry groups, we put constraints on the ability to outsource allowed by the bill. Together with the gentleman from Texas (Chairman SMITH), we developed a limiting amendment that was accepted with essentially no opposition in the Committee on the Judiciary; and the bill, as so amended, was reported out with Democrats and Republicans expressing just about unanimous support for the bill.

H.R. 1561 prohibits the PTO from outsourcing until all of the following criteria are met: the PTO conducts a pilot project of limited scope for not more than 18 months to test the efficacy of outsourcing patent searches; secondly, that the pilot program must demonstrate that the searches performed by commercial entities are accurate and at least meet or exceed the standards conducted and used by the PTO; the director, third, must submit a report to Congress detailing the methodology of the pilot and containing a comparative evaluation of outsourced and patent examiner searches, addressing factors such as productivity, costs, and quality; fourth, and very importantly, the Patent Public Advisory Committee, an independent entity consisting of patent union representatives and PTO user groups, has to submit a report to Congress with a detailed analysis of the pilot project.

And even after that, if that independent committee, all that concludes that it makes sense to outsource patent searches, nothing can happen until after 1 year so that Congress has a year to decide whether or not to continue to prohibit search outsourcing despite the results of these reports.

H.R. 1561 prohibits the PTO from outsourcing searches unless all of these criteria are met. The National Treasury Union, every patent user organization that I know of, large companies, small companies, universities, nonprofits, all of them involved in the patent process all think this bill does not destroy the Patent Office. This bill is the most important thing to saving the whole patent process. And the whole point of even entertaining the idea of outsourcing is simply to deal with better quality, better productivity, and more time. I urge that H.R. 1561 be passed.

Mr. GOODLATTE. I rise today in strong support of the U.S. Patent and Trademark Fee Modernization Act.

America's commitment to protecting intellectual property gives America a distinct competitive advantage in the global marketplace. When a country provides an atmosphere that is conducive to innovation and encourages the aggressive enforcement of intellectual property rights, businesses will seek the protection of

that country and will make conscious decisions to innovate there. America must continue to be the world leader in protecting intellectual property so that it will continue to be the world leader in innovation.

H.R. 1561, the U.S. Patent and the Trademark Fee Modernization Act, would codify a revised fee schedule that would give the USPTO the resources it needs to increase the quality of issued patents and trademarks, to hire additional examiners, and to reduce the backlog of applications that is currently pending.

In addition, H.R. 1561 represents an important compromise that effectively ends ''fee diversion,'' the current practice of diverting the excess fees collected by the USPTO to the Federal Government. Under the compromise, if the USPTO collects more in fees than it is appropriated, the balance would be rebated back to the users.

Furthermore, the bill protects small businesses by reducing the filing fee for any small entity or independent inventor by 75 percent if those entities file their applications electronically, in addition to other protections for small businesses.

This legislation is an important step in the ongoing effort to enhance the quality and timeliness of patent and trademark processing. Our Nation's investors deserve nothing less than the most efficient and accurate patent and trademark office in the world. I urge each of my colleagues to support this important legislation.

Mr. CANTOR. Mr. Chairman, I rise today in favor of the United States Patent and Trademark Fee Modernization Act (H.R. 1561). This legislation is crucial to America maintaining its role as the world leader in innovative technology.

Intellectual Property is the currency that drives innovation in America's high-tech economy, and the U.S. Patent and Trademark Office (PTO) is charged with granting the important patents and trademarks for these innovations. The PTO serves a critical role in the promotion and development of new products and commercial activity in our country.

The PTO is of vital importance to the technology sector of our economy, and it is vital that this agency have proper funding to execute its mission. This legislation will allow the PTO to accomplish this goal—while allowing small business innovators to compete with larger corporations.

H.R. 1561 will eliminate patent fee diversion and will ensure that all fees paid to the PTO will be used to expedite the time-consuming and costly procedures associated with granting patents and trademarks.

This legislation is the first step toward improving patent and trademark quality while reducing application backlogs. This reform will help eliminate some of the bureaucracy that hinders businesses from success in the marketplace and hinders the advancement of technology in America.

I urge final passage of H.R. 1561.

Mr. LATHAM. Mr. Chairman, I stand in support of H.R. 1561. The legislation is the culmination of years of hard work between the appropriators and the members of the Judiciary Committee. It allows the appropriators to retain oversight of the Patent and Trademark Office, while permanently ending the practice of diverting fees paid by users of the Patent and Trademark Office. In the past, these fees were used for unrelated government programs. I am pleased because these fees will specifically go to improving patent quality, reducing the time it takes to examine a patent and increasing efficiency of the Patent and Trademark Office in total. These are the goals of the 21st Century Strategic Plan that was developed by the Patent Office and reviewed by the Congress.

Finally and most importantly this bill ensures that companies can and will continue to have opportunities to innovate and remain competitive in this global economy.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the U.S. Patent and Trademark Fee Modernization Act (H.R. 1561).

This legislation builds upon a strong foundation first established back on April 5, 1790, when the first patent statute was passed by the Congress of the 12 United States. That's right, we had our first patent law before Rhode Island became our 13th State.

At the time, the first law directed the Secretary of State, the Secretary of War and the Attorney General to determine if they, or any two of them thought ''the invention or discovery sufficiently useful and important'' to merit a patent.

A hefty fee between $4 and $5 was collected to process and approve each patent petition. Interestingly, the payment did not go to the newly created Federal Government but to a government employee, the Chief Clerk of the Department of State. The funds went to support the patent operations and later financed the construction of the first Patent Office, not to support the general funds of the U.S. Treasury.

Today, the U.S. Patent and Trademark Office, an office that I am proud to say resides in my congressional district, is struggling with an increasingly complex and voluminous workload. Last year, the office received more than 330,000 patent applications and more than 260,000 trademark applications.

Patent applications have doubled since 1992. As a result, patent pendency (the amount of time a patent application is pending before a patent is issued) now averages over 2 years and is even longer in more complicated technologies.

Without more examiners, average pendency in areas such as computer-related technologies will double to 6 to 8 years in the next few years. This delay is a drag, holding back our economy's full potential, unfairly punishing American businesses and entrepreneurs at a time when intellectual-property-based industries are essential to economic growth.

As application processing times grow, the incentives for investment diminish, especially for individuals and small entities with limited resources whose inventions are in greater danger of being counterfeited or pirated.

The status quo is a recipe for disaster, and H.R. 1561 represents a well-conceived and bipartisan way out of this dilemma. Without the bill, the backlog of unexamined patents will more than double—from 475,000 today to 1 million by 2008.

This legislation will allow the Patent and Trademark Office to implement its 21st Century Strategic Plan by improving productivity, patent quality, and e-government. It will give the agency the revenue it needs to hire 2,900 needed new patent examiners.

I support the compromise that was brokered between members of the Judiciary and Appropriations Committees that will give the appropriators the deference they need to set the funding levels, but will provide the authorizers and the patent community the assurances they need to make sure that any additional funds raised through the fees will be spent for their designated purpose. Any balance of funds are to be returned to the patent applicants, and not be spent elsewhere by the Federal Government.

Let me also make it clear that while I have some concerns about outsourcing and potential liability issues outsourcing might create, let's recognize that this is just a pilot program with ample opportunity for Congress to exercise appropriate oversight. Whatever civil service jobs might one day be lost by outsourcing will more than be made up by the thousands of jobs this legislation will help create.

The Patent and Trademark Office plans to increase its patent examining staff by about 1,000 annually in fiscal years 2005 and 2006, reaching and maintaining a stable level of about 4,500 examiners after that.

Mr. Chairman, our future is made more secure through a system that protects the rights of inventors.

At the centennial celebration of the U.S. Patent Office in 1890, Commissioner Charles Elliot Mitchell eloquently stated the important decision of our Founding Fathers to provide protections for intellectual property when drafting the Constitution:

> For who is bold enough to say that the Constitution could have overspread a continent if the growth of invention and inventive achievement had not kept pace with territorial expansion. It is invention which brought the Pacific Ocean to the Alleghanies. It is invention which, fostered, by a single sentence in their immortal work, has made it possible for the flag of one republic to carry more than forty symbolic stars.

My colleagues for the sake of this great Nation, modernize the Patent and Trademark Office; support the U.S. Patent and Trademark Fee Modernization Act of 2003.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1561

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Patent and Trademark Fee Modernization Act of 2003''.

SEC. 2. FEES FOR PATENT SERVICES.

(a) GENERAL PATENT FEES.—Section 41(a) of title 35, United States Code, is amended to read as follows:

''(a) GENERAL FEES.—The Director shall charge the following fees:

''(1) FILING AND BASIC NATIONAL FEES.—

''(A) On filing each application for an original patent, except for design, plant, or provisional applications, $300.

''(B) On filing each application for an original design patent, $200.

''(C) On filing each application for an original plant patent, $200.

''(D) On filing each provisional application for an original patent, $200.

''(E) On filing each application for the reissue of a patent, $300.

''(F) The basic national fee for each international application filed under the treaty defined in section 351(a) of this title entering the national stage under section 371 of this title, $300.

''(G) In addition, excluding any sequence listing or computer program listing filed in an electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), $250 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

''(2) EXCESS CLAIMS FEES.—In addition to the fee specified in paragraph (1)—

''(A) on filing or on presentation at any other time, $200 for each claim in independent form in excess of 3;

''(B) on filing or on presentation at any other time, $50 for each claim (whether dependent or independent) in excess of 20; and

''(C) for each application containing a multiple dependent claim, $360.

For the purpose of computing fees under this paragraph, a multiple dependent claim referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any claim that is canceled before an examination on the merits, as prescribed by the Director, has been made of the application under section 131 of this title. Errors in payment of the additional fees under this paragraph may be rectified in accordance with regulations prescribed by the Director.

''(3) EXAMINATION FEES.—

''(A) For examination of each application for an original patent, except for design, plant, provisional, or international applications, $200.

''(B) For examination of each application for an original design patent, $130.

''(C) For examination of each application for an original plant patent, $160.

''(D) For examination of the national stage of each international application, $200.

''(E) For examination of each application for the reissue of a patent, $600.

The provisions of section 111(a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of this title, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

''(4) ISSUE FEES.—

''(A) For issuing each original patent, except for design or plant patents, $1,400.

''(B) For issuing each original design patent, $800.

''(C) For issuing each original plant patent, $1,100.

''(D) For issuing each reissue patent, $1,400.

''(5) DISCLAIMER FEE.—On filing each disclaimer, $130.

''(6) APPEAL FEES.—

''(A) On filing an appeal from the examiner to the Board of Patent Appeals and Interferences, $500.

''(B) In addition, on filing a brief in support of the appeal, $500, and on requesting an oral hearing in the appeal before the Board of Patent Appeals and Interferences, $1,000.

''(7) REVIVAL FEES.—On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding, $1,500, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be $500.

''(8) EXTENSION FEES.—For petitions for 1-month extensions of time to take actions required by the Director in an application—

''(A) on filing a first petition, $120;

''(B) on filing a second petition, $330; and

''(C) on filing a third or subsequent petition, $570.''.

(b) PATENT MAINTENANCE FEES.—Section 41(b) of title 35, United States Code, is amended to read as follows:

''(b) MAINTENANCE FEES.—The Director shall charge the following fees for maintaining in force all patents based on applications filed on or after December 12, 1980:

''(1) 3 years and 6 months after grant, $900.

''(2) 7 years and 6 months after grant, $2,300.

''(3) 11 years and 6 months after grant, $3,800.

Unless payment of the applicable maintenance fee is received in the United States Patent and Trademark Office on or before the date the fee is due or within a grace period of 6 months thereafter, the patent will expire as of the end of such grace period. The Director may require the payment of a surcharge as a condition of accepting within such 6-month grace period the payment of an applicable maintenance fee. No fee may be established for maintaining a design or plant patent in force.''.

(c) PATENT SEARCH FEES.—Section 41(d) of title 35, United States Code, is amended to read as follows:

''(d) PATENT SEARCH AND OTHER FEES.—

''(1) PATENT SEARCH FEES.—(A) The Director shall charge a fee for the search of each application for a patent, except for provisional applications. The Director shall establish the fees charged under this paragraph to recover an amount not to exceed the estimated average cost to the Office of searching applications for patent either by acquiring a search report from a qualified search authority, or by causing a search by Office personnel to be made, of each application for patent.

''(B) For purposes of determining the fees to be established under this paragraph, the cost to the Office of causing a search of an application to be made by Office personnel shall be deemed to be—

''(i) $500 for each application for an original patent, except for design, plant, provisional, or international applications;

''(ii) $100 for each application for an original design patent;

''(iii) $300 for each application for an original plant patent;

''(iv) $500 for the national stage of each international application; and

''(v) $500 for each application for the reissue of a patent.

''(C) The provisions of section 111(a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application.

''(D) The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of this title, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

''(E) For purposes of subparagraph (A), a 'qualified search authority' may not include a commercial entity unless—

''(i) the Director conducts a pilot program of limited scope, conducted over a period of not more than 18 months, which demonstrates that searches by commercial entities of the available prior art relating to the subject matter of inventions claimed in patent applications—

''(I) are accurate; and

''(II) meet or exceed the standards of searches conducted by and used by the Patent and Trademark Office during the patent examination process;

''(ii) the Director submits a report on the results of the pilot program to the Congress and the Patent Public Advisory Committee that includes—

''(I) a description of the scope and duration of the pilot program;

''(II) the identity of each commercial entity participating in the pilot program;

''(III) an explanation of the methodology used to evaluate the accuracy and quality of the search reports; and

''(IV) an assessment of the effects that the pilot program, as compared to searches conducted by the Patent and Trademark Office, had and will have on—

''(aa) patentability determinations;

''(bb) productivity of the Patent and Trademark Office;

''(cc) costs to the Patent and Trademark Office;

''(dd) costs to patent applicants; and

''(ee) other relevant factors;

''(iii) the Patent Public Advisory Committee reviews and analyzes the Director's report under clause (ii) and the results of the pilot program and submits a separate report on its analysis to the Director and the Congress that includes—

''(I) an independent evaluation of the effects that the pilot program, as compared to searches conducted by the Patent and Trademark Office, had and will have on the factors set forth in clause (ii)(IV); and

''(II) an analysis of the reasonableness, appropriateness, and effectiveness of the methods used in the pilot program to make the evaluations required under clause (ii)(IV); and

''(iv) the Congress does not, during the 1-year period beginning on the date on which the Patent Public Advisory Committee submits its report to the Congress under clause (iii), enact a law prohibiting searches by commercial entities of the available prior art relating to the subject matter of inventions claimed in patent applications.

''(2) OTHER FEES.—The Director shall establish fees for all other processing, services, or materials relating to patents not specified in this section to recover the estimated average cost to the Office of such processing, services, or materials, except that the Director shall charge the following fees for the following services:

''(A) For recording a document affecting title, $40 per property.

''(B) For each photocopy, $.25 per page.

''(C) For each black and white copy of a patent, $3.

The yearly fee for providing a library specified in section 12 of this title with uncertified printed copies of the specifications and drawings for all patents in that year shall be $50.''.

(d) ADJUSTMENTS.—Section 41(f) of title 35, United States Code, shall apply to the fees established under the amendments made by this section, beginning in fiscal year 2005.

(e) CONFORMING AMENDMENTS.—

(1) Section 41 of title 35, United States Code, is amended—

(A) in subsection (c), by striking ''(c)(1)'' and inserting ''(c) LATE PAYMENT OF FEES.—(1)'';

(B) in subsection (e), by striking ''(e)'' and inserting ''(e) WAIVERS OF CERTAIN FEES.—'';

(C) in subsection (f), by striking ''(f)'' and inserting ''(f) ADJUSTMENTS IN FEES.—'';

(D) in subsection (g), by striking ''(g)'' and inserting ''(g) EFFECTIVE DATES OF FEES.—'';

(E) in subsection (h), by striking ''(h)(1)'' and inserting ''(h) REDUCTIONS IN FEES FOR CERTAIN ENTITIES.—(1)''; and

(F) in subsection (i), by striking ''(i)(1)'' and inserting ''(i) SEARCH SYSTEMS.—(1)''.

(2) Section 119(e)(2) of title 35, United States Code, is amended by striking ''subparagraph (A) or (C) of''.

SEC. 3. ADJUSTMENT OF TRADEMARK FEES.

(a) FEE FOR FILING APPLICATION.—The fee under section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)) for filing an electronic application for the registration of a trademark shall be $325. If the trademark application is filed on paper, the fee shall be $375. The Director may reduce the fee for filing an electronic application for the registration of a trademark to $275 for any applicant who prosecutes the application through electronic means under such conditions as may be prescribed by the Director. Beginning in fiscal year 2005, the provisions of the second and third sentences of section 31(a) of the Trademark Act of 1946 shall apply to the fees established under this section.

(b) REFERENCE TO TRADEMARK ACT OF 1946.—For purposes of this section, the ''Trademark Act of 1946'' refers to the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes.'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 4. CORRECTION OF ERRONEOUS NAMING OF OFFICER.

(a) CORRECTION.—Section 13203(a) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 116 Stat. 1902) is amended—

(1) in the subsection heading, by striking ''COMMISSIONER'' and inserting ''DIRECTOR''; and

(2) in paragraphs (1) and (2), by striking ''Commissioner'' each place it appears and inserting ''Director''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date of the enactment of Public Law 107–273.

SEC. 5. PATENT AND TRADEMARK OFFICE FUNDING.

Section 42 of title 35, United States Code, is amended—

(1) in subsection (b), by striking ''Appropriation''; and

(2) in subsection (c), in the first sentence—

(A) by striking ''To the extent'' and all that follows through ''fees'' and inserting ''Fees''; and

(B) by striking ''shall be collected by and shall be available to the Director'' and inserting ''shall be collected by the Director and shall be available until expended''.

SEC. 6. EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.

(a) EFFECTIVE DATE.—Except as provided in section 4 and this section, this Act and the amendments made by this Act shall take effect on October 1, 2003, or the date of the enactment of this Act, whichever is later.

(b) APPLICABILITY.—

(1)(A) Except as provided in subparagraphs (B) and (C), the amendments made by section 2 shall apply to all patents, whenever granted, and to all patent applications pending on or filed after the effective date set forth in subsection (a) of this section.

(B)(i) Except as provided in clause (ii), sections 41(a)(1), 41(a)(3), and 41(d)(1) of title 35, United States Code, as amended by this Act, shall apply only to—

(I) applications for patents filed under section 111(a) of title 35, United States Code, on or after the effective date set forth in subsection (a) of this section, and

(II) international applications entering the national stage under section 371 of title 35, United States Code, for which the basic national fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.

(ii) Section 41(a)(1)(D) of title 35, United States Code as amended by this Act, shall apply only to applications for patent filed under section 111(b) of title 35, United States Code, before, on, or after the effective date set forth in subsection (a) of this section in which the filing fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.

(C) Section 41(a)(2) of title 35, United States Code, as amended by this Act, shall apply only to the extent that the number of excess claims, after giving effect to any cancellation of claims, is in excess of the number of claims for which the excess claims fee specified in section 41 of title 35, United States Code, was paid before the effective date set forth in subsection (a) of this section.

(2) The amendments made by section 3 shall apply to all applications for the registration of a trademark filed or amended on or after the effective date set forth in subsection (a) of this section.

(c) TRANSITIONAL PROVISIONS.—

(1) SEARCH FEES.—During the period beginning on the effective date set forth in subsection (a) of this section and ending on the date on which the Director establishes search fees under the authority provided in section 41(d)(1) of title 35, United States Code, the Director shall charge—

(A) for the search of each application for an original patent, except for design, plant, provisional, or international application, $500;

(B) for the search of each application for an original design patent, $100;

(C) for the search of each application for an original plant patent, $300;

(D) for the search of the national stage of each international application, $500; and

(E) for the search of each application for the reissue of a patent, $500.

(2) TIMING OF FEES.—The provisions of section 111(a)(3) of title 35, United States Code, relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in paragraph (1) with respect to an application filed under section 111(a) of title 35, United States Code. The provisions of section 371(d) of title 35, United States Code, relating to the payment of the national fee shall apply to the payment of the fee specified in paragraph (1) with respect to an international application.

(3) REFUNDS.—The Director may by regulation provide for a refund of any part of the fee specified in paragraph (1) for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of title 35, United States Code, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

(d) EXISTING APPROPRIATIONS.—The provisions of any appropriation Act that make amounts available pursuant to section 42(c) of title 35, United States Code, and are in effect on the effective date set forth in subsection (a) shall cease to be effective on that effective date.

SEC. 7. DEFINITION.

In this Act, the term ''Director'' means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

SEC. 8. CLERICAL AMENDMENT.

Subsection (c) of section 311 of title 35, United States Code, is amended by aligning the text with the text of subsection (a) of such section.

The CHAIRMAN. No amendments to the committee amendment in the nature of a substitute are in order except the amendments printed in House Report 108–431. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108–431 and made in order by the order of the House of earlier today.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment made in order pursuant to the order of the House of today and House Resolution 547 offered by Mr. SENSENBRENNER:

Strike section 5 and insert the following:

SEC. 5. PATENT AND TRADEMARK FUNDING.

Section 42(c) of title 35, United States Code, is amended—

(1) by striking ''(c)'' and inserting ''(c)(1)''; and

(2) by adding at the end the following new paragraph:

''(2) There is established in the Treasury a Patent and Trademark Fee Reserve Fund. If fee collections by the Patent and Trademark Office for a fiscal year exceed the amount appropriated to the Office for that fiscal year, fees collected in excess of the appropriated amount shall be deposited in the Patent and Trademark Fee Reserve Fund. After the end of each fiscal year, the Director shall make a finding as to whether the fees collected for that fiscal year exceed the amount appropriated to the Patent and Trademark Office for that fiscal year. If the amount collected exceeds the amount appropriated, the Director shall, if the Director determines that there are sufficient funds in the Reserve Fund, make payments from the Reserve Fund to persons who paid patent or trademark fees during that fiscal year. The Director shall by regulation determine which persons receive such payments and the amount of such payments, except that such payments in the aggregate shall equal the amount of funds deposited in the Reserve Fund during that fiscal year, less the cost of administering the provisions of this paragraph.''.

In section 6(a), strike ''Except as'' and all that follows through the end of the sentence and insert ''Except as otherwise provided in this Act and this section, this Act and the amendments made by this Act shall take effect on October 1, 2004, or on the date of the enactment of this Act, whichever occurs later.''.

Page 12, strike lines 17 through 20 and insert the following:

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Section 41(f) of title 35, United States Code, shall apply to the fees established under the amendments made by this section, beginning in fiscal year 2005.

(2) CONFORMING AMENDMENT.—Effective October 1, 2004, section 41(f) of title 35, United

States Code, is amended by striking ''(a) and (b)'' and inserting ''(a), (b), and (d)''.

Page 11, add the following after line 24:

''(F) The Director shall require that any search by a qualified search authority that is a commercial entity is conducted in the United States by persons that—

''(i) if individuals, are United States citizens; and

''(ii) if business concerns, are organized under the laws of the United States or any State and employ United States citizens to perform the searches.

''(G) A search of an application that is the subject of a secrecy order under section 181 or otherwise involves classified information may only be conducted by Office personnel.

''(H) A qualified search authority that is a commercial entity may not conduct a search of a patent application if the entity has any direct or indirect financial interest in any patent or in any pending or imminent application for patent filed or to be filed in the Patent and Trademark Office.

Page 12, insert the following after line 20 and redesignate the succeeding subsection accordingly:

(e) FEES FOR SMALL ENTITIES.—Section 41(h) of title 35, United States Code, is amended—

(1) in paragraph (1), by striking ''Fees charged under subsection (a) or (b)'' and inserting ''Subject to paragraph (3), fees charged under subsections (a), (b), and (d)(1)''; and

(2) by adding at the end the following new paragraph:

''(3) The fee charged under subsection (a)(1)(A) shall be reduced by 75 percent with respect to its application to any entity to which paragraph (1) applies, if the application is filed by electronic means as prescribed by the Director.''.

(f) SIZE STANDARDS FOR SMALL ENTITIES.—

(1) STUDY.—The Director, in conjunction with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration, shall conduct a study on the effect of patent fees on the ability of small entity inventors to file patent applications. Such study shall examine whether a separate category of reduced patent fees is necessary to ensure adequate development of new technology by small entity inventors.

(2) REPORT.—The Director shall, not later than 6 months after the date of the enactment of this Act, submit a report on the results of the study under paragraph (1) to the Committee on the Judiciary and the Committee on Small Business of the House of Representatives and the Committee on the Judiciary and the Committee on Small Business and Entrepreneurship of the Senate.

Page 8, line 3, add the following after the period: ''For the 3-year period beginning on October 1, 2004, the fee for a search by a qualified search authority of a patent application described in clause (i), (iv), or (v) of subparagraph (B) may not exceed $500, of a patent application described in clause (ii) of subparagraph (B) may not exceed $100, and of a patent application described in clause (iii) of subparagraph (B) may not exceed $300. The Director may not increase any such fee by more than 20 percent in each of the next 3 1-year periods, and the Director may not increase any such fee thereafter.''.

The CHAIRMAN. Pursuant to House Resolution 547, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 10 minutes.

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

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

I have a lengthy statement that I will not read in full, but will insert in the RECORD. But let me state that a significant part of this amendment deals with the agreement that we have reached with the appropriators that was discussed in the colloquy which I had earlier today with the gentleman from Virginia (Mr. WOLF), the distinguished chairman of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations.

Let me also state that the amendment contains various provisions that the gentleman from Illinois (Mr. MANZULLO) and I have agreed upon relative to our previous differences over the treatment of small entities under this bill. And pursuant to this agreement, my amendment applies a 50 percent discount to all searches for small entities, prohibits commercial searches that apply to classified matters, prevents commercial entities from performing searches when they have a financial interest or other conflict at stake, caps the search fee after the 6th year, and requires a joint PTO and Small Business Administration study regarding the effects of the fee structure on small entities.

□ 1730

This, I believe, meets the objections that members of the Committee on Small Business had relative to the cost to small business of applying for and hopefully obtaining a patent. I hope that this amendment clears the way for the other body to consider this bill and bring real reform to the PTO.

Mr. Chairman, I am delighted to report that this amendment reflects a thoughtful compromise between myself and Mr. WOLF, chairman of the CJS Appropriations Subcommittee, as well as a fair deal between the Judiciary Committee and the chairman of the Small Business Committee, the gentleman from Illinois, Mr. MANZULLO. I want to thank both of them for working so steadfastly and productively on this important issue.

Mr. Chairman, the heart of my amendment creates a ''refund'' program to eliminate the potential incentive for diverting PTO revenue to non-PTO programs. Briefly, if fee collections in a given fiscal year exceed the amount appropriated to the agency, the excess or overage shall be deposited in a PTO ''Reserve Fund.'' At the end of the fiscal year the Director determines if there are sufficient funds to make payments to persons who paid fees during that year.

The Director is empowered to determine which recipients qualify and in what amounts, except that the payments in aggregate must equal the amount of revenue in the Reserve Fund during that fiscal year, less the cost of administering the program.

This text is crucial to the bill before us. We have been at loggerheads with the Appropriations committee on this matter for nearly a decade, so I am glad to say that we have struck an acceptable compromise that serves the interests of both committees. I am grateful to the appropriators and the majority leader for working with us on this point. I emphasize that without this language, support for the bill dissipates.

In addition, the bill as reported contains a pilot program to determine the efficacy of allowing commercial entities to perform the search function, thereby relieving the agency of the burden and freeing up examiners to do other work. The amendment specifies that participation in the pilot program will be restricted to American businesses and American citizens. We have worked closely with Chairman WOLF's staff on this point.

Also, in furtherance of the ongoing modernization efforts at PTO, the Director is required to reduce the filing fee for any small entity, independent inventor, or nonprofit organization by 75 percent provided those so qualified file their applications electronically.

As I noted a moment ago, Mr. MANZULLO, and I have resolve dour differences over the treatment of small entities under H.R. 1561. Pursuant to recently agreed-upon changes, my amendment: Applies a 50 percent discount to all searches for small entities; prohibits commercial searches that apply to classified matters; prevents commercial entities from performing searches when they have a financial interest or other conflict at stake; caps the search fee after the sixth year; and requires a joint PTO-SBA study regarding the effects of the fee structure on small entities.

Mr. Chairman, by addressing the fee diversion and other issues, this amendment clears the way for the other body to consider H.R. 1561 and bring real reform to the PTO. I urge its adoption.

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

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

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I simply want to express my strong support for this amendment. If I were a betting man, I would have bet a lot of money that the chairman would not have been able to deal with the end of diversion in the fashion that he was able to without at least 25 or 30 appropriators on the House floor. I congratulate both him and the subcommittee chairman for their excellent work, and I urge the manager's amendment be adopted.

Mr. SMITH of Texas. Mr. Chairman, I strongly support this amendment, which is the result of careful negotiations between the Judiciary and Appropriations Committees.

The two goals of the underlying bill are to improve PTO operations and to end fee diversion. This amendment makes sure those goals are achieved.

In order to eliminate the incentive to divert fees from the PTO, the amendment establishes a rebate program that will deposit any fee collections that exceed the amount of money appropriated to the PTO in a ''reserve fund.'' At the end of each year, the PTO Director will determine whether there are sufficient funds to make payments to users who paid applicant fees that year. By ending fee diversion and allowing the PTO to keep the fees its users pay each year, the agency will be able to make many much-needed reforms to increase its efficiency and productivity.

This amendment also contains provisions that will ensure the PTO will operate effectively. It establishes a pilot program to allow

private entities to perform the search function associated with obtaining a patent. This will free up patent examiners to focus on other work.

Some have mischaracterized this provision as ''outsourcing'' that will cut American jobs and send work overseas. In fact, this amendment specifies that participation in the pilot program is restricted to American businesses and American citizens. By allowing patent searches to be performed by commercial entities, this pilot program will simply allow the private sector to take some of the load off of an already overburdened patent evaluation system at the PTO.

Twenty-five to thirty percent of the 355,000 patent applications the PTO receives each year come from small businesses. The Sensenbrenner amendment has many provisions to help small businesses obtain patents.

The PTO is one of the most important agencies in the country. It is the agency behind the innovation and invention that drives our economy. We must give it the funding it needs to implement meaningful reform and improve its operations.

This amendment strengthens the underlying bill and I urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Does anyone seek time in opposition?

The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House Report 108–431.

The gentleman from Illinois apparently is not offering his amendment.

It is now in order to consider Amendment No. 3 printed in House Report 108–431.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. KAPTUR. Mr. Chairman. I just wanted to ask, is this the final amendment in the series, and then will we move to final passage?

The CHAIRMAN. The gentlewoman is correct.

The Chair is ready to proceed. Apparently the gentlewoman from Texas does not offer her amendment.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CUNNINGHAM) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1561) to amend title 35, United States Code, with respect to patent fees, and for other purposes, pursuant to House Resolution 547, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 28, not voting 26, as follows:

[Roll No. 38]

YEAS—379

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

NAYS—28

Bartlett (MD)
Brown (OH)
Carson (IN)
Clay
Costello
Cummings
Evans
Hastings (FL)
Holt
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Kanjorski
Kaptur
Lewis (GA)
Meek (FL)
Oberstar
Obey
Paul
Ruppersberger
Sanders
Schakowsky
Strickland
Visclosky
Waters
Watson
Wynn

NOT VOTING—26

Aderholt
Ballenger
Berry
Calvert
Carson (OK)
Castle
Cole
Doggett
Dooley (CA)
Hall
Hinojosa
Hooley (OR)
Istook
Kucinich
Lantos
Lucas (OK)
Menendez
Pence
Rodriguez
Sánchez, Linda T.
Sandlin
Sullivan
Toomey
Weldon (PA)
Woolsey
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1802

Messrs. JACKSON of Illinois, OBEY, WYNN and RUPPERSBERGER changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1800

HOUR OF MEETING ON THURSDAY, MARCH 4, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11:30 a.m. tomorrow.

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

There was no objection.

SAVE THE HUBBLE

(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, 2 years ago today the *Columbia* Space Shuttle, in what turned out to be its last full mission, serviced the Hubble Space Telescope.

Those astronauts knew and children across America know that Hubble is a national treasure. Hubble offers a dramatic view into the cosmos, and it has yielded profound scientific discoveries. Yet for all of Hubble's national acclaim and the inspiration it has given us, NASA has given Hubble a death sentence. It is up to us to commute that sentence.

That is why I have joined with a bipartisan group calling for NASA to convene the best and the brightest minds to reevaluate their decision and look at every reasonable alternative. In the meantime, keep the Hubble going.

In my view, Hubble is one of the best scientific investments we have ever made. Hubble is certainly the best recruiter we have today to inspire our children to excel in science and reach for the stars.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEARCE). 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 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.)

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

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

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

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

OUR ECONOMIC POLICY

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

Mr. BROWN of Ohio. Mr. Speaker, the President last week delivered the Central American Free Trade Agreement to this Congress as part of his economic plan to grow the economy. What we have seen from the President's economic plan, which consists of two basic solutions, are two things. One is tax cuts for the wealthiest people of our society, the 1 percent wealthiest, the people who need it least, hoping it will trickle down and create jobs. The other part of this program is to push through this Congress more NAFTAs, the Central American Free Trade Agreement, the Free Trade Area of the Americas, trade agreements which have no labor and environmental standards, trade agreements which hemorrhage jobs, which ship jobs overseas.

We have seen that kind of economic policy, except we have seen it not work. We have seen in this administration a loss of almost 3 million jobs. In my State of Ohio, we have lost one out of every six manufacturing jobs. Hundreds of thousand of Ohioans have lost their jobs. We have seen no manufacturing jobs created. In fact, since President Bush took office, we have lost manufacturing jobs not just in Ohio but across the country every single month of the Bush administration.

Now, just recently the President put out his economic report. This Economic Report of the President is put out every year. As my colleagues can see here, the President signed it on page 4, and this economic report makes a lot of promises. As one of his earlier economic reports had made, the President in 2002 promised an increase of 3.4 million jobs. We have actually seen a loss of 1.7 million jobs since then. In this report, he makes another promise of 2.6 million jobs created just this year alone. Already the President's people are backing off that promise.

But you might be interested, and there are some things in this report that the President and his people, his Chief Economic Adviser, have sort of bragged about. One of the things that the President's Economic Adviser said when he said, ''When a good or service is produced more cheaply abroad, it makes more sense to import it than to provide it domestically,'' and then the Chief Economic Adviser to the President said, That is a good thing. If it is made somewhere else cheaper, then good economics says we ought to ship those jobs overseas and make them more cheaply overseas and make them there and displace the jobs in the United States.

That is not good economic policy. It is not good trade policy. It particularly is not good policy for our people. Yes, we want to do trade. Yes, we want that train to move out of the station advancing trade, but we want to do the trade, we want fair trade, not free trade. This administration, unfortunately, is committed to free trade.

In the meantime, the President's Council on Economic Advisers has said in this report, also on page 103, In the long run, a large part of the burden of taxes is likely to be shifted to workers through a reduction in wages. In other words, the President's policy of tax cuts for the wealthy, hoping that it trickles down and provides something for everybody else, and these trade agreements with no labor and environmental standards, these trade agreements that ship jobs overseas, in the meantime, the President's people say what is going to happen is a large part of the burden of taxes is likely to be shifted to workers through a reduction in wages.

That is why even people that have kept their jobs, as most people have during this Bush recession, even then those people's wages have been stagnant or in some cases have gone down. That is because the President's people say that we are going to see tax cuts for the wealthy, and we are going to see loss of wages for workers and for the middle class.

The President's Chief Economic Adviser goes on to say, Analyses that fail to recognize this shift can be misleading, suggesting that higher income groups bear an unrealistically large share of the long run burden. In other words, when the President's people say, well, we have to give a tax cut to the richest people in our society because they are paying the most taxes, the President's own Economic Adviser said that is not the case.

What is happening in our economy, you may applaud that, is these tax cuts shift the burden. As we cut taxes on the wealthy, it shifts the burden to the middle class in the form of lower wages, and we can also see that, Mr. Speaker, with what Alan Greenspan said last week.

He came to this Congress and said I support continuing the tax cuts for the wealthiest Americans, and then he said, but because of that, we have a budget shortfall and we have to cut Social Security. So the President of the

United States and Alan Greenspan, his man at the Federal Reserve, are saying to the American people, you have either got the tax cuts for the most privileged and if you take those tax cuts, then it means we have to cut Social Security.

That is really what we are going to talk about in the next 8 months, that if we are going to make these tax cuts, if we are going to continue these tax cuts for the wealthy that the President wants, it means fewer dollars for education, less money for prescription drugs and other health care, and ultimately it means cutting Social Security. That is the choice. That is what the election will be about this year.

That is what this Congress is going to be about in the next 6 months. That is what we are going to hear JOHN KERRY and George Bush debate. If we do the tax cuts and cut the taxes of the wealthiest Americans, it means less money for Social Security beneficiaries. It means less money for environmental enforcement. It means less money for the middle class. It means a stagnation of wages, and it takes this country in the wrong direction.

It is bad economic policy. It is bad for our country. It is bad for our communities. It is bad for our schools. It is bad for the middle class.

THE SITUATION IN AFGHANISTAN AND IRAQ

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

Mr. OSBORNE. Mr. Speaker, as we have listened to debates over the last several days, actually last several weeks, there has been a lot of rhetoric about how poorly things are going in Afghanistan and Iraq, the administration has no plan, et cetera, and along with many other Members of Congress, I visited both countries within about the last 5 or 6 weeks, and it did not seem to me that the information I was getting and seeing squared with what we have been hearing.

In Afghanistan, for instance, the Taliban is out. They were a tremendously oppressive regime. Terrorist training camps, and of course, Afghanistan was the hotbed of terrorist activity, have been shut down. Most of the funding has been dried up. Al Qaeda is on the defense, and of course, the democratic loyal jurga formed a constitution which I think was a tremendous step toward democracy. Women have been given a significant role. Elections have been scheduled this summer, and they have a great leader in Karzai, and I think there is a great chance he will be elected President.

All of this has been accomplished with 13,000 coalition troops controlling this country, very little loss of life. It has been a tremendous military victory and a great victory for those who are opponents of terrorism.

□ 1815

Iraq, of course, is a little behind the time line of Afghanistan, because it came several months later; but the infrastructure has been restored.

The water is running, the electricity is on, and 17,000 reconstruction projects have been completed; 17,000 projects have been completed. The schools are open. They have been given significant aid; 33,000 teachers have received training in just the last few weeks. The hospitals and clinics are open. There is much better health care. There has been a 6,000 percent increase in health care service expenditures in the last few months. The economy is expanding. Shops and businesses are springing up. Consumer demand is good. Wages are between 25 and 30 times higher than they were under Saddam Hussein. So the economy is showing real signs of life. One million more cars in this country than a year ago. Newspaper and television stations are springing up as well.

Insurgent attacks on our troops have decreased dramatically. About all the attacks we are hearing about lately are on Iraqi citizens, mainly because they are the only soft targets that they have left. Weapons and ammunition supplies have been destroyed, and an Iraqi army of 133,000 is being trained and should be in place by next fall. An Iraqi police force is assembled. And all but a handful of Saddam's lieutenants have been captured. I think 45 out of 50 have been captured and, of course, Saddam Hussein himself.

A provisional constitution has been drafted and ratified, just today, I believe, by the Kurds, the Shiites, and the Sunis. This is a tremendous step toward democracy and a tremendous accomplishment. So we are on track to see a viable democracy in a country that has been a major destabilizing influence in the Middle East for the last number of years. We have had no attacks in the U.S. since 9–11.

So again, Mr. Speaker, I would just reiterate the fact that what I and many of my colleagues have witnessed in Afghanistan and Iraq does not seem to square with some of the conversation we have been hearing on the political scene in recent months and recent weeks. So we think that we have been doing a good job over there.

The soldiers, the troops that I met, have a tremendous sense of mission, a great sense of accomplishment; and I think it is important that they get the message that we are solidly behind them and solidly behind this effort that is going on.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER of California) is recognized for 5 minutes.

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

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

(Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE PRESIDENT'S CREDIBILITY DEFICIT

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

Mr. EMANUEL. Mr. Speaker, President Bush has announced that his campaign strategy will be to make credibility an issue. Just last night, the Vice President said that if the Democrats had been in charge for the last 2 or 3 years we would have endangered the job creation of the economy.

Really? What a fascinating take, that Democrats would have endangered the job creation and the economy. Under this administration, $3 trillion has been added to the Nation's debt, and nearly 3 million American jobs have disappeared. And they want to make credibility an election year issue?

In the ''Meet the Press'' interview, the President could have talked about his foreign policy accomplishments and his record, but what does he have to offer but an endless occupation. He could have chosen to talk about the economy and the jobs he created, but then he would have to point to the jobless economy and the wage recession Americans face. And this is a President and an administration that wants to make credibility an issue in this campaign?

The administration announced 5 months ago, on Labor Day, that they were appointing a manufacturing czar. That position remains empty. There is not even a nominee. And they want to make credibility an issue? Interesting.

Since that date, 250,000 Americans have lost their manufacturing jobs. And they want to make credibility an issue? After 5 months, there is not a single person to fill that job.

Now, the President does not take advice from me, but as far as I can see David Kay is available. He did the weapons of mass destruction research. Maybe we can help him find where the 2.7 million American jobs have gone. And they had the gall to announce it under a banner of American jobs and American values. And they want to make credibility an issue?

Every year the President submits a budget, and he has submitted time and again the elimination of the Manufacturing Extension Program, which helps small businesses, small manufacturers in this country. And he wants to make credibility an issue?

Not only is the President not interested in the issue of jobs and job creation in the United States, his own economic report that he submitted the other day to Congress say that

''outsourcing of jobs is good for the American economy and good for the middle class,'' especially the middle class in India, not Indiana. And they want to make credibility an issue?

In that report, they envisioned 2.7 million jobs being created in the United States. Then they had to walk away from it. And they want to make credibility an issue?

They also in that report cited manufacturing would now be defined as flipping hamburgers. And, again, they would like to make credibility an issue.

Since we have decided to make credibility an issue, I would like to say that not only does this administration have a big fiscal deficit; it has a huge credibility deficit.

Let me give some other highlights of the issue of credibility.

One month steel tariffs are on; the next month steel tariffs are off. There was $3.5 billion in new police funding, and yet the President's budget cuts $1 billion from the police funding. Prescription drugs one month cost $400 billion, the next month, with nothing changed, not a single benefit, we send a bill to the taxpayers for $550 billion. And they want to make credibility an issue.

Now, I am not the one to give advice to this administration, or unsolicited advice; but if the President or this administration thinks we are going to cut Social Security to pay for tax cuts for the wealthy, I got a bridge over the Tigress they can buy. Let me say this: the only people that think that is a good economic plan are pioneers and rangers who think cuts in Social Security is what this economy needs so we can pay for tax cuts for the well-off.

What we need is a President who wakes up every day and who rolls up his sleeves as he goes into the Oval Office and thinks about the American workers, their families, and their values, not somebody who, for a press headline, announces a manufacturing czar and 5 months later, 250,000 jobs later that have disappeared, has that position remaining unfilled. That is not an administration that every day sees the American family and its values at the center of what it does in the Oval Office.

I only wish that they would spend as much time thinking about the American family, their values, their children, their jobs, their health care, their security, and their retirement security as the focus they give to those on K Street and the lobbyists in this town.

On policy after policy this administration says one thing and they do another, and yet they have the gall to say credibility will be an issue.

So to quote one Senator: If they would like credibility to be an issue this election year, Democrats say, bring it on.

GREAT WORK BEING DONE BY THE 10TH MOUNTAIN DIVISION OF FORT DRUM, NEW YORK

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

Mr. BURGESS. Mr. Speaker, we hear so much information here in this House, and this evening is no exception. I wanted to pick up a little bit on the point that the gentleman from Nebraska (Mr. OSBORNE) made in his remarks here a few moments ago.

Mr. Speaker, of course both sides of the House have not only the right but they have the obligation to speak up when they believe things are not right. And it is an election season, so we are hearing a lot of political discourse and rhetoric. The gentleman from Nebraska (Mr. OSBORNE) got up and spoke very eloquently to that fact, that perhaps what we hear is not always aligned with what in fact is happening on the ground.

The gentleman from Nebraska spoke about his travels to Iraq and Afghanistan. And, indeed, just 2 weeks ago I took a trip to Iraq and Afghanistan. It was my second trip into the country of Iraq, but my first to the country of Afghanistan. And, Mr. Speaker, I want to point out that as far as the talk we hear going on here on the floor of the House, yes, it is our right and indeed our obligation to speak out, but we know or at least we should know that words have consequences. And the words spoken here in this House do resonate around the country; and in fact they resonate around the world, and they are picked up frequently by our troops fighting for our freedom overseas.

Now, Mr. Speaker, I would never question anyone's motives or question anyone's patriotism, but at the same time I just cannot help to point out how a few weeks going to Iraq and Afghanistan I did have the chance to see what was happening there on the ground. The 4th Infantry Division captured Saddam Hussein in December, and in an effort to minimize the importance of that singularly important feat, we will hear people say, well, it is not that important; it, in fact, does not make us any safer here at home. Mr. Speaker, let me say tonight that I firmly believe that that event was important and indeed we are safer here at home because that man is in custody. But, again, in an effort to minimize the importance of that event, we will hear the talk over and over again that it does not really matter.

The other thing we will hear is that we have not finished the job in Afghanistan. Well, Mr. Speaker, just like the gentleman from Nebraska, I want to take a minute tonight and talk about what I saw going on in the country of Afghanistan and the great work that is being done by the 10th Mountain Division out of Fort Drum, New York.

Mr. Speaker, General Austin in Afghanistan, the commander of the 10th Mountain Division, spoke to us there as part of our briefing, and he shared a picture with us. He shared a picture with us that was so dramatic and so impressive that I asked their permission to bring it back and show it on the floor of the House, and we can see it here beside me.

In fact, Mr. Speaker, I was anxious to share this picture with the whole country. This is a picture of what our guys in Afghanistan are doing to end the war on terror in that country, to reclaim that country for its people, and, in the end, make us safer here at home.

Here we see some of our young soldiers and a man that is being escorted into a helicopter. This man, I do not remember whether he was a Taliban or al Qaeda or just a member of one of the warlord tribes there, but he thought he was relatively safe on that house on a steep mountainside. He could see anybody coming up after him, and he was pretty comfortable there in his belief that there was no way he could be apprehended.

So sitting by his campfire one morning and taking his morning meal, he was visited by our troops from the 10th Mountain Division. They were able to encircle him and surprise him. And then to get him back to where he needed to be, they landed half a helicopter on his house. And we see him there being helped into the back of the helicopter to be brought back to face whatever charges awaited him.

Mr. Speaker, this is a dramatic photo, and it shows what lengths our fighting men and women will go to in order to end the conflict in Afghanistan. And I believe they are well on the way to ending that conflict. In fact, Mr. Speaker, I would go so far as to say as soon as the snow melts out of the passes in the mountains on the border between Afghanistan and Pakistan, we are very likely to see the beginning of the end for those groups who mean to harm our troops and harm innocent Afghan citizens and those individuals who want to prevent the return of civil society to Afghanistan.

So, Mr. Speaker, I know it is a little off the point from what we hear here on the floor of the House night after night after night, but in fact there are some good things going on in the world. Our troops are doing a masterful job on the ground both in Iraq and Afghanistan. I am proud of them. I am proud of our country.

Once again, I want to point out the dramatic aspect of this photo. Think of the risk that that pilot is taking to apprehend that individual and bring him to justice, the loadmaster in the back of the aircraft that essentially landed that half a helicopter on that man's roof. I can imagine the surprise of this individual as he was brought into United States custody.

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

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

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

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

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

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

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

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

CYPRUS PEACE NEGOTIATIONS

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. Mr. Speaker, last week, peace negotiations finally resumed over the 30-year Cyprus conflict. After reaching the end of the road last March, thanks to what was described at the time by officials close to the negotiations as intransigence on the part of Turkish-Cypriot leader Rauf Denktash, the Turkish-Cypriot leader finally agreed to return to the negotiating table with Cyprus President Tassos Papadopoulos. The framework by which the two are now negotiating is a plan written by the U.N. Secretary General Kofi Annan. While the Secretary General's proposal serves as a starting off point, it should by no means serve as the final agreement to finally unify the nation of Cyprus.

Last year, Mr. Speaker, I visited Cyprus for the first time. And while I believe it is critical for a unified Cyprus to join the European Union later this year, I also believe that the framework agreed to between the two sides must lay the foundation for a democratic government to thrive for many years to come.

□ 1830

Unfortunately, there are parts of the Annan plan that makes it virtually impossible for an established government to function. In fact, there are sections of the plan that would make the island country less democratic than it was after an agreement imposed against Greek Cypriots during the Cold War back in 1959.

Mr. Speaker, the Annan plan in my opinion is undemocratic. Under the plan, a parliamentary system would be created with two legislative bodies, a Senate and a Chamber of Deputies. The Senate shall be composed of 48 members with a requirement that half of those Members, 24, come from Cyprus and the other half come from the Turkish Cypriot side. Keep in mind that the Turkish Cypriot minority only makes up 18 percent of the islands. The Annan plan gives that 18 percent equal footing with the 82 percent of the Republic of Cyprus population. How is that democratic?

Then in addition to that in the Chamber of Deputies, the Annan plan says it too shall consist of 48 members elected on a proportional basis, but both the Turkish Cypriot side and the Republic of Cyprus side are guaranteed a minimum of one-fourth of the seats. And the significant advantage for the minority does not end there. The Annan plan states that laws be enacted by a majority vote in each of the houses as long as at least one-fourth of the senators from each of the two component states comprises the majority vote in the Senate. This means that the 18 percent holds a virtual veto over any legislation being passed.

Mr. Speaker, if we compare the Annan plan to our own government here in the United States, let us say that the Democrats and Republicans each held 50 seats in the Senate, something that actually happened a few years ago. You remember how difficult it was for both sides to govern. If fact, it created a position in which one Republican, JIM JEFFORDS, actually left the Republican Party in order to become an Independent. Now, if just being 50–50 is not hard enough, imagine if the U.S. Senate could not pass any legislation without one-fourth of the Republican side agreeing with the Democratic side, or vice versa. There is no way we could govern under those conditions.

How can we expect Cyprus, a country which has been torn apart for almost 30 years, to govern under these same circumstances? I do not mean to be critical of U.N. Secretary Annan. He has done a fantastic job of trying to meet the unrealistic threats of Turkish leader Denktash. Furthermore, the government of Cyprus has consistently agreed to negotiate within the frame of the U.N. proposal.

The Annan plan is a good draft, but that is all it is. It is critical that not only the United Nations but also the Bush administration and the State Department realize that in its current form the Cyprus government would not be able to govern. These concerns, as well as several others, must be addressed before any real peace agreement can be reached.

I want to conclude by saying again, the Annan plan was supposed to be a basis for negotiations and everyone agrees that is certainly the case, but it should not be the final outcome. I am afraid that our own administration, the Bush administration, the State Department, are trying to put pressure on the Cyprus government that they have to agree to the Annan plan just the way it is and that no changes can be made. That is not only unfair, I think it leads to an unworkable situation in the long run. We have to realize that as much as the Annan plan is a good basis for negotiation, it should not be the end result because if it were, I think in the long run it would actually be to the detriment to the future government of a united Cyprus.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

(Ms. HARRIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

GADDAFI DELIVERS HISTORIC 90–MINUTE SPEECH

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

Mr. WELDON of Pennsylvania. Mr. Speaker, a group of seven Members of Congress just finished leaving the airplane at Andrews Air Force Base from a 3-day trip to Libya, the second trip that I have led there in 30 days. This trip is one that will go down in history as one of the most historic events that was documented in that country that has been a problem for us over the past 30 years.

Mr. Speaker, I was asked by the chairman of the People's Congress of Libya to give a speech at the opening session 2 days ago, which I did. Senator BIDEN is giving a speech there today. Along with my speech and speeches from the French, the Egyptians, the head of the European Parliament, Colonel Gaddafi rose to the podium and spoke for 90 minutes. He gave what will go down in history, I am convinced, as a speech that will equal the tearing down of the Berlin Wall and the event that had Boris Yeltsin standing alongside the tank outside of the Moscow White House proclaiming that communism was dead because in this 90-minute speech Gaddafi, who has been someone that we have not had any type of relationship with, whose country has admitted to completing the bombing of Pan Am 103, Gaddafi, in front of the 600 people assembled in the auditorium and 100 nations that were in attendance, renounced the actions of Libya over the past 25 years.

He admitted to his people that they had been involved in funding terrorist organizations from the IRA in Ireland to the PLA, to the Sandinistas, to other terrorist groups around the world. He admitted that they were involved in crimes, and they had done things for other groups. He rose to the occasion to tell his people that he had come to the conclusion it was time for Libya to abandon these people who no longer were needing of the support of

the Libyan people, and whom the Libyan people only suffered from, becoming isolated from the rest of the world.

He spoke of the United States and the Pan Am 103 bombing. He said it is a part of history that they want to put behind them after I had said in my speech that we were happy that the Libyans had admitted to that bombing and being responsible for it. We told them that we would never forgive nor forget the actions of their country, but here was Moammar Gaddafi changing not for the international community, but in front of his own people saying it was time for Libya to renounce weapons of mass destruction, and calling for complete and total transparency, calling for other terrorist nations to abandon their weapons of mass destruction, telling them that it is no longer a valid position for countries to take, to encourage and support terrorism throughout the world.

Then he said about the United States, the United States does not want to bomb Libya. We are not Libya's enemies. If we wanted to take over their country, we would have done that 27 years ago when they asked us to get out of the military bases we had in their country. He said to his people, America did not fight, they simply left our country as our friends. He said it was only in recent times that we have become an enemy, and he said no longer will Libya be an enemy of the United States; Libya wants to return, to become a friend, they want to attempt as much as possible to join the family of nations and join those multinational groups in Europe and around the world. They want to become a part of arms control regimes. He even agreed, as I met with the Gaddafi Foundation, that they should look to rejoin efforts like the Vienna Conference that oversees the Helsinki final act guaranteeing basic human rights for all citizens. We talked about human rights, and the fact that Libya was now on a course to set out for their people an effort to clean up the human rights records of the Nation.

Mr. Speaker, this speech was not to the world community. The external media was not invited. It was broadcast live throughout Libya. Every television in Libya had this proceeding on for 90 minutes in front of 600 delegates, 100 nations and 7 Members of Congress. Moammar Gaddafi issued the message to the people of the world that Libya had changed dramatically and completely, that Libya was ready now to begin a new chapter.

He was very thankful that our delegation was there because he said it showed the Libyan people that America was ready to respond. Senator BIDEN's speech today will reinforce that. I congratulate my colleagues on both sides of the aisle who traveled to Libya. We will be putting a complete report into every Member's office before the end of this week.

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

(Ms. JACKSON-LEE of Texas 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 Kentucky (Mr. LEWIS) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SCIENCE INVESTIGATES HUMAN CONTRIBUTION TO CLIMATE CHANGE

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

Mr. GILCHREST. Mr. Speaker, I would like to make a few comments this evening on an issue that remains somewhat controversial. The issue is climate change. Is the Earth warming, and is there such a thing as global warming?

I would like to present a few findings affirmed by National Academy of Science, at the request of George Bush, and which the American Geophysical Union also agrees with.

Basically the conclusion of the scientific community is that the Earth has been warming for the last 10,000 years. We left the Ice Age, and for the last 10,000 years, the Earth on average has been warming 1 degree centigrade every 1,000 years, and this is detectable through various tree rings, ice cores and a number of other techniques used to determine the kind of climate we have had over the past 400,000 years. But the last 10,000 years, the trend is the natural range of fluctuation, it is a little warmer 1 year, a little colder the next year, but the natural range of fluctuation clearly shows that we have been in a warming trend over the past 10,000 years about 1 degree centigrade every 1,000 years.

What we have seen in the last 100 to 150 years is that natural range of fluctuation appears to have abruptly changed. The question is that abrupt change, which actually is a jump in surface warming, is that a natural fluctuation or is it as a result of mankind burning fossil fuel and adding greenhouse gases to the environment.

What I am going to show tonight is the fluctuation that we have seen, the abrupt fluctuation, is not a natural fluctuation. If it is not a natural fluctuation, the environmental variables from this point on are not going to be predictable as far as the climate and the weather is concerned.

Mr. Speaker, this chart has two parts to this graph. The first part, which is the color gray, deals with the computer models that are telling us something about the climate and how it has changed over the past 100 years. One part of this chart shows the input in the model. The other part of the chart, the color red, shows actual observations on the ground where you go out and you actually take temperatures all around the globe. The first part of the chart, the gray line, is what you put into the computer. The second part is what you actually observe. There are three charts up here.

The first chart deals with the natural fluctuation in the climate over the last 150 years with solar energy, with ocean currents, with volcanoes, with a number of things that have caused the climate to change, the geologic forces which have caused the climate to change over the last thousand years. We see if we just take the variables in the natural forcing, the climate will stay fairly steady. In other words, there would be no increase in the last 150 years. The actual temperature, though, shows that there has been an increase over the last 150 years. So there is a question, where is the increase in temperature coming from?

The next chart shows only measuring human activity, anthropogenic forcing only. That means we only measure the kind of temperature increase we would get from burning fossil fuel or cutting down a forest or a variety of other things. When we do that, we show that the temperature, as we see over here, is the same. There is an abrupt increase in the temperature.

The third chart shows the natural fluctuation or the natural increase in temperature that we have seen over 10,000 years, but it also shows mixed in with that if we add to that natural increase, if we add human activity, we see that the blend shows that there has been about a 1 degree temperature rise in the last 150 years.

□ 1845

You cannot account for the increase in temperature over the last 150 years with just natural forces but you can account for it when you add in human activity.

Those are just a few interesting facts, Mr. Speaker, I thought that the Members would like to know.

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

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

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

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair redesignates the time for further proceedings on House Resolution 412 and on House Resolution 56 as tomorrow.

HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is a pleasure to address the House and the American people this evening.

Last night, Mr. Speaker, we were on the floor talking about the recent events in Haiti that has also involved not only our military but our international community, not only as it relates to humanitarian efforts but to the safety of the Haitian people. I just left the Committee on International Relations, the Subcommittee on the Western Hemisphere where we had witnesses, the Assistant Secretary of the Bureau of Western Hemisphere Affairs from the U.S. State Department, Mr. Roger Noriega; and also the Honorable Arthur Dewey, Assistant Secretary of Population, Refugee and Migration of the United States State Department; also other representatives from the State Department. Mr. Speaker, it was quite disturbing hearing some of the testimony that was given to us there on that committee. I am thankful that the chairman, the gentleman from North Carolina, allowed other Members that were concerned about not only the plight of Haiti but also the U.S. involvement in Haiti. I think the events that took place last Saturday evening and early Sunday morning has a lot to do with how we move forward from this point on. Many of us in this Congress feel very strongly about the U.S. involvement in Haiti from this point on, on how safe will it be in Haiti? How safe will it be for the Haitian people? How many months will our U.S. Coast Guard be visually off the coast of Haiti? What kind of commitment will the United States make to Haiti? And also what kind of commitment will the international community put forth as it relates to Haiti?

First of all, I would have to go back. We spoke last night about Mr. Philippe, who has announced himself as the leader of Haiti, the head of the rebel force, using Secretary Noriega's description of him as a thug, that has now taken control of Haiti. He was in Port-au-Prince yesterday, he had a meeting, he talked about him being in charge of Haiti. He said he really looks up to the United States, that he reveres our President, and rightfully so, he should revere our President, because if it was not for a visit by officials from the State Department that will go unnamed at the home of President Aristide and giving him an ultimatum to either leave or be killed, that simple, that he had to make the decision right then and there. Reports say that he made that decision. That decision empowered Mr. Philippe, a known individual not only to Haitians but also a known individual that has carried out terror in Haiti in the past, a 36-year-old young man that is now on the streets of Haiti who has announced that he is going to arrest the prime minister of Haiti. I say that as a backdrop of talking about troop safety.

I think it is important to note in the early 1990s when U.S. troops went into Haiti to not only kick General Cedras out who took Haiti by a coup but to also provide a level of safety to try to build onto democracy, that not one soldier lost his or her life. No one even choked on popcorn. It was that smooth of an operation. I commend Senator Nunn at that time, I commend Mr. Powell at that time, now Secretary Powell, and also the leadership of William Jefferson Clinton.

But now we have a situation that is in question. Some people may say, why are you so concerned? Okay, President Aristide said he felt like he was kidnapped. Some people say, well, he wasn't kidnapped, that's not true. Who's right? Who's wrong? That is not the issue. The issue is that for us to provide the kind of forward progress that we are going to need in Haiti to make sure that Haiti is able to move forth in a democratic way, for us to continue to have the international community willing to be a part of democracy-building in the Caribbean as it relates to other Caribbean islands surrounding Haiti, then we can no longer move forth with a Saturday night policy ultimatum.

This should have not happened, ladies and gentlemen. Mr. Speaker, I must say that it brings into question the very safety of troops and also it brings into question good elections in the future. If Haitians that were pro-Aristide and within the party that he was the head of know and feel that the United States played a strong role in his departure by force, and taken from Mr. Noriega's quote, I might add, that he just gave in responding to the gentleman from New York (Mr. RANGEL) in the committee just a couple of hours ago, the gentleman from New York asked him: Mr. Noriega, is it true that President Aristide was told that he needed to sign a resignation letter before he boarded the plane?

Mr. Noriega responded: It was important to make sure that we have a positive process to a political resolution.

The gentleman from New York asked him again: Is it true that he was asked to sign a resignation letter before he boarded the plane? That answer was: Yes.

And then after that, to give Secretary Noriega some credit, he said that to make sure that we can resolve a good political resolution.

Mr. Speaker, if someone showed up to my house on a Saturday night and shared with me that either I needed to leave with them or I would be killed and my family, I would leave. If they were to ask me, listen, sign your mortgage or your deed over to your property because we are not going to take you unless you do that, I would sign it.

We met with the Secretary-General of the U.N., several Members of this Congress, on Monday. This brings into question, was this an exit of a leader who wanted to leave of his own free will and saying that, hey, come get me, I already have my resignation letter ready and I'm willing to sign it, I want to thank you, America, for helping me and helping my family leave this island? Or was this a resignation under duress? We do not know if the 33rd coup d'etat took place on Saturday night or it was just a misunderstanding.

I must say, I am no fan, and I have said this time after time, Mr. Speaker, of President Aristide. I represent Miami. I represent south Florida. But what I am a fan of is democracy. When these knee-jerk policy decisions are made on a Saturday night, it puts forth a bad light on the United States of America as it relates to how we deal with democracies in South America or in the Americas. This is so very, very important. We are sending the signal to individuals that will arm themselves, known to be outlaws, have been a part of terror groups in the past of Haiti to arm themselves and take cities, if we like it or not. Some may argue, well, the 2000 elections as it relates to Haiti was wrong and it was

flawed. I would say that he was recognized and given credentials by the Ambassador of the U.S., President Aristide was. He was recognized by the United Nations as the President of Haiti. So to even talk about the 2000 elections, and I think that we should not even go there as it relates to our own personal situations. And one thing that I do honor. Never once that I have denounced or said that President Bush is not my President. He is my President. Until November, until we all get a chance to be able to cast our ballots as Americans on how we feel, he will be the President until that point. If he is reelected, he will be reelected. That is just something that we have to live with. But what is important as we move forth from this point and making sure that we stop the violence is that we play with a level hand. Guy Philippe is an individual that has said, once again, that he will arrest the prime minister. The prime minister of Haiti's house has been burned down to the ground. It has been looted and burned down to the ground. He has been living in his office protected by U.S. Marines. Can he leave that office? No. I do not think that that is a safe situation.

I have one other thing before I yield to my colleague here. Secretary Dewey said that there has been over 900 Haitians rescued. The Secretary-General of the U.N. had brought a question to the United States policy as it relates to individuals trying to flee Haiti of fear of persecution. Persecution means that if you return, you are fearful of your life or your family's life, women and children. We have repatriated over 900 Haitians even though the road is littered of bloated bodies that the rebel forces left in the path on their way to Port-au-Prince, never once stopped by the United States of America, never once stopped by the international community but kept marching on. It is that same rebel force that did not agree to any of the diplomatic or political solutions we tried to bring about to bring a peaceful resolution to what was going on in Haiti. Nine hundred were repatriated. The Secretary reported since Aristide has left the island only three have been caught and repatriated. Let me just say this. After the 900 that were brought into the Port-au-Prince dock and sent off to the streets because they were leaving from the south end of the island, not from Port-au-Prince, which is like over 100 miles away, they are walking through a populated area where rebel forces and other folks can see them and their families. Some of them are government workers, some of them are individuals that were pro-Aristide or they never would have left the island in the first place. They were not leaving because of President Aristide. They were leaving because of the violence and the violence and the persecution that they were going to receive. So I would not even try to leave if I knew I was going to go through Port-au-Prince and everyone was going to see me and know exactly where I am. They are now in hiding in Haiti.

I think it is important, ladies and gentlemen, that we look at what we are doing and how we are doing it and if we want to see a peaceful resolution in Haiti, it is important that we put forth policy not on slogan but based on making sure that our troops and humanitarian supporters are safe. So it is very, very important that we understand that as this U.S. Congress.

Mr. Speaker, I yield to the gentleman from Michigan, the ranking member of the Committee on the Judiciary.

Mr. CONYERS. I thank the gentleman from Florida for yielding.

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

Mr. CONYERS. Mr. Speaker, I begin by commending my colleague from Florida for the testimony that he has given before the Subcommittee on the Western Hemisphere of the Committee on International Relations. It has been quite a day, quite an afternoon and evening. As a matter of fact, that subcommittee is still going on as we take this special order. I think the gentleman who has perhaps more citizens of Haitian descent than anyone else in the Congress should take this special order in which we can continue to develop the discussion about how we are to deal with this very sensitive foreign policy issue that is made more emphatic because of the fact that it is within the Western hemisphere. This is not thousands of miles away. This is hundreds of miles away from our shore. It is very, very important. I appreciate my colleague's testimony and that of all the members of the Committee on International Relations and the Congressional Black Caucus and others who participated in the proceedings this afternoon in the Committee on International Relations.

□ 1900

Let us begin with the most immediate consideration, that is, the safety of the president of Haiti and his wife, Mildred Aristide. And I want to ask the gentleman from Florida if he can shed any light based on the numerous discussions that went on around this subject this afternoon in terms of where they are and what amount of security is being made available to them at this point.

Mr. MEEK of Florida. Mr. Speaker, from what I understand, I have no firsthand accounts, that they are in a Central African country, that they have French and U.S. guards that are protecting them, including their own private security that President Aristide has had over the last couple of years. So from what I understand, his life is not in jeopardy, and I am glad that the gentleman has brought that up because there are many people not only in the United States but many of my constituents that feel otherwise, and we try to find out that kind of good information and share it with them that all is well so that we can hopefully see some sort of smooth political process in the future.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for his comments. And I would like to put on the record at this point that the Assistant Secretary of State, Mr. Noriega, testified, much to my interest, that at this point the United States, having brought the president and his wife to the Central Republic of Africa, has now taken no responsibility for his security at this point. This is a Francophone country in sub-Saharan Africa that has recently undergone a coup. As a matter of fact, there were two coups, and the last one was successful. It is a very dangerous circumstance because those of us who may have talked to the president or his wife, and I am one of them, they have yet to have met with the president of the country in which they have been brought, that they are apparently under some kind of formal or informal house arrest, that they consider themselves to be in danger.

So I wanted to put everybody on notice in the United States of America, including the President and the Secretary of State of the United States, that they may be in danger even as we speak. We are trying to get phone calls to them to determine what amount of security is being afforded them. It is somewhat disingenuous for the Assistant Secretary of State to tell us that having deposited them in a rather isolated part of Africa of a very small and modest means, this nation, in a country in Africa which is circumscribed by poverty and economic deprivation, which in some reports to me have indicated that there may be elements of civil unrest still going on in the country, that he could testify before a committee of the United States Government that we have no responsibility for the president's or his wife's safety at this point. If this does not set off alarm bells, I do not know what else will.

So if this Special Order convened by the gentleman from Florida does nothing else but preserve the security and safety of the president and his wife in the National Republic of Africa, this will be well worth the time that we have spent here.

It is my position that the United States has every responsibility for the continued security and safety of the president. As a matter of fact, we have been told that the reason that he left Haiti was because his life and his wife's were in danger. Now to take him thousands of miles out of his country and then tell us that we have no longer any responsibility for his security, it is up to somebody else, is totally unacceptable. And I want to put this government on notice right now that we had better get some security over there if it is not already, and this is what I am going to be working on for the rest of the evening and into the morning.

Mr. MEEK of Florida. Mr. Speaker, I think that is important too. I just

want to make sure that I clarify that, from what I understand from the gentleman from New York (Mr. RANGEL), that he spoke with President Aristide this evening or earlier, and he did share that he had French, U.S., and personal security individuals; and he is on a French base in this particular country. Hopefully, that security holds up over time and justifiably so.

Going back to what I was mentioning a little earlier, and I know that the gentleman from New York (Mr. MEEKS) has joined us now for this discussion, but the very safety and how President Aristide was removed speaks to the future security of Haiti. And the gentleman from Michigan is a member of the Committee on the Judiciary. I know that he is fully aware of the temporary protected status that all of us have been fighting for so that we do not put Haitians that are in the U.S. into harm's way just like we have done for other countries that had similar turmoil, be it political or natural disaster. I think it is important that we note that when people are saying why are we worried about how President Aristide left, I am more worried, Mr. Speaker, about the safety of the Haitian people, also worried about our troops that are in Haiti protecting not only U.S. properties but also looking at the issue as it relates to the safety of humanitarian workers; and I think the way that the administration moved on a Saturday night/early Sunday morning with this whole resignation thing or he cannot get on a plane fuels more chaos on the ground in Haiti.

Mr. Speaker, I yield back to the gentleman, as the ranking member of the Committee on the Judiciary, to speak to that.

Mr. CONYERS. Mr. Speaker, let us review the urgency of what the gentleman has described as the designation of a temporary protected status for all Haitians who are fleeing the country. I was not able to raise this personally with Mr. Noriega, the Assistant Secretary of State for Caribbean Affairs; but he said that now that President Aristide has gone, it may be safe for people to return to Haiti. This is probably the most dangerous statement that has been uttered in a congressional hearing certainly this year and maybe all last year as well.

To tell anybody that it is safe to go back to Haiti when there is no government, when the rebel leaders have announced that they are replacing the police and cooperating with the prime minister, people who led the overthrow of the first democratically elected president in the 200-year existence of Haiti, is probably the most incredible utterance of this year or last year. And the gentlewoman from Texas (Ms. JACKSON-LEE), our ranking subcommittee person on the Immigration, Border Security, and Claims Subcommittee on the Committee on the Judiciary, and I and others on the committee have written Secretary Ridge, asking that he designate temporary protected status to the Haitians that are fleeing. To turn them around upon arriving here from hundreds of miles in an ocean always on very fragile craft, that the first miracle is that it even got to our shores, would be inhumane. And yet this is the policy as we speak tonight.

And so I have to ask the President of the United States to review this standard, especially since this is the only group coming to this country, Haitians, that are instantly turned away in violation of the immigration laws of this country and in violation of the humanitarian laws that control all of us in the family of nations and in the United Nations itself.

Mr. MEEK of Florida. Mr. Speaker, I want to thank the gentleman for coming down and his being willing to stay and be a part of this discussion.

I know the gentleman from New York (Mr. MEEKS) left the Committee on International Relations to come here and join us here tonight.

Mr. Speaker, I yield to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I want to thank the gentleman from Florida for yielding to me, and I want to thank him for having this important hour. I want to thank the distinguished ranking member of the Committee on the Judiciary and the dean of the Congressional Black Caucus as to all of his insight and his invaluable knowledge.

I just left the hearing; and just piggybacking on the colloquy that was taking place, I just asked one of the witnesses that was brought in who used to be in charge of Haiti University, and I asked him a simple question since I know that part of the administration had brought him here and wanted him to testify since he was their witness, whether or not he thought that individuals in Haiti should receive asylum right now coming into America, whether he thought that the policy that the United States has of turning back Haitians and accepting Cubans was a fair policy. And he quickly and unequivocally said that he thought that that policy should change and it shows absolute discrimination against the Haitian people and that that is something we should be moving in a complete bipartisan manner to make sure that we take care of those individuals, particularly now because of the fact that our hands are virtually tied into what is taking place in Haiti currently.

We need to talk about the security of the people that are on this little island called Haiti, 8 million people. What is going to happen to them? It seems to me that what took place here when we did not compel the individuals to sit down at the table to have a peaceful negotiation, when we knew that the alternative would be that common crooks and criminals would be coming in armed, coming across the border, people who had been banned for life and people who are really Benedict Arnolds because they were traitors to their own country, that they would be coming back to have an insurrection as well as killing innocent men and women on the streets of Haiti, that we should have done something about it. And now with no form of government that is there now, democracy basically we did not uphold, it has crumbled, the people in Haiti are at the mercy of these individuals.

I think that the gentleman from Florida (Mr. MEEK) clearly pointed out at the Committee on International Relations how he brought both The Washington Post and the New York Times showing this Philippe, who is a known criminal, convicted, is now declaring himself to be the leader and people holding him up as if he is ruling the country, and we saw no place in the paper, nor have I heard of anyone else saying, that they were in charge. We have not heard from the prime minister. We have not seen that the chief justice of the supreme court, anywhere in the constitution, when we talk about democracy, says is supposed to be in charge.

□ 1915

Here is this guy demanding and commanding the police force, telling the people if this guy shows his face he is going to have him placed under arrest. So the people of Haiti are under, apparently, unless the papers are lying, and from what I see, are apparently under the jurisdiction of individuals who are convicted criminals. What they did was come, and now they have opened up and destroyed all of the prisons, where people who are under a legal system, we talk about institutions, but under a judicial institution system, that were convicted by law, they are now walking the streets and the people of Haiti are subject to them.

So I say to the gentleman from Florida (Mr. MEEK), we have to really wonder whether or not the people in Haiti are safe now. I hope that the troops on the ground are changing their position, because I know at one time they were only protecting United States property. So the question is, what about the people?

Mr. MEEK of Florida. If I could reclaim my time from the gentleman from New York (Mr. MEEKS), I just wanted to make a quick point. I share with Secretary Noriega and others, you would have individuals in the White House saying that, well, I hope that Members of Congress would watch what they say, because they are putting troops' lives and State Department civilian workers' lives at stake.

I must beg to differ, because we did not make the Saturday night visit. We did not bring about the kind of swiftness that our country brought about. We did not allow rebels, I am going to use Mr. Noriega's term, ''thugs and criminals,'' to go through Haiti, taking over cities, burning police departments, pulling pro-Aristide supporters out and executing them in front of their homes. We did not do that as

Members of the Congress. And as it relates to the executive branch, the administration, they did not stop it. All they did was put out a little press release and say ''we condemn the actions of this group. Stop doing what you are doing.''

Not only did we go to the negotiating table, and I commend Mr. Noriega for going over there, I commend the President for saying we are sending the diplomatic corps over there. President Aristide sat down and said, ''Fine, I agree with you. Let us share power.''

The opposition party said no. ''Okay. We will give you a deadline of 5 o'clock.'' Still no. The following day, still no. Then we just kind of walked away.

But then it became a point to where that in this democracy, the biggest democracy on the face of the Earth, the United States of America, went in and told the President of Haiti, as wrong as he may be on several issues, ''You have two choices: One, we can have a plane here to save the lives of you and your family, or you will be killed. And, by the way, if you want the plane, you have to sign this letter resigning as president of the country that you were elected to serve.''

I would say to the gentleman from New York (Mr. MEEKS) and the gentleman from Michigan (Mr. CONYERS), I hate to keep going back to that point, because I think that is going to be the cornerstone of how we move forth in Haiti.

Now, you listen to Mr. Noriega, you listen to the President, they start saying, ''Well, you know, we are restoring order and peace.'' But that is not what the Washington Post is saying. That is not what the New York Times is saying. That is not what the Miami Herald is saying. That is not what the Associated Press is saying. That is not what CNN is saying. That is not what MSNBC and any other news organizations are saying.

What they are saying is Mr. Guy Philippe is the leader of the army and he is in charge, and he will say, President Alexandre of the Supreme Court, I will yield to him, but at the same time it is him riding through the streets with armed bandits.

Mr. MEEKS of New York. Just quickly, it is not only all of the press, but my constituents who have relatives that live in Haiti, and they are on either side of the fence. Some of them do not like Aristide either. But they do not like these common crooks that are there.

When they call my office, they are telling me they are afraid for their mothers, for their grandmothers, for their uncles, for their aunts who are living there now. The situation is not better than it was before Aristide was forced to get on the plane. In fact, if anything else, it is worse. That is what they are calling my office and saying to me.

Mr. CONYERS. If the gentleman would yield further, I would like to put in the RECORD a communication from Jamaica from Randall White about the meeting of the CARICOM Conference, the more than two dozen nations in the Caribbean, who have sent this communication.

It reads: ''The CARICOM prime minister's press conference ended at about 1330 EST today after meetings which began yesterday and about midday.

''Here are the main points of the press conference.'' This is CARICOM, of which Haiti is a Member.

''A communique is being drafted and will be issued later.

''CARICOM does not accept the removal of Aristide and demands the immediate return of democratic government in Haiti.

''CARICOM leaders have been in almost constant contact with Aristide before his removal and were never given the impression that he wished to resign or to leave Haiti.

''CARICOM demands an impartial transparent investigation by the United Nations into the circumstances surrounding Aristide's removal.

''CARICOM will have no dealings with the so-called government of Haiti.''

Mr. Speaker, I include the communication from Randall White for the RECORD:

The Caricom prime minister's press conference ended at about 1330 EST after meetings which began yesterday and ended about midday today. I must confess pleasure and some surprise at the strength of the response.

Here are the main points of the press conference. A communique is begin drafted and will be issued later.

Caricom does not accept the removal of Aristide and demands the immediate return of democratic government in Haiti.

Caricom leaders had been in almost constant contact with Aristide before his removal and were never given the impression that he wished to resign or leave Haiti.

Caricom demands an impartial transparent investigation, by the UN, into the circumstances surrounding Aristide's removal.

Caricom will have no dealings with the so-called government of Haiti.

Seems like a good strong statement.

That reminds me that in our visit to the United Nations to meet with the esteemed Secretary General, Kofi Annan, it was announced today that they, too, have launched an investigation into this matter.

Mr. MEEK of Florida. Mr. Chairman, I want to thank you for reading that, and I will tell you how important CARICOM is to the economy here in the United States. We have what we call the Free Trade of the Americas, and they are a part of the whole hemisphere and economy and everything. We need the Caribbean with us.

Prime minister Patterson of Jamaica put forth a great effort as a neighbor to Haiti of wanting to see a resolution, a peaceful resolution. It was the Bush administration that rode in on the backs of CARICOM saying that we are going to use the CARICOM agreement. That is what the Secretary of State Noriega went down to Haiti to negotiate. Prime minister P.J. Patterson went to the Security Council on Friday of last week saying we must immediately go into Haiti to secure the situation so that we can resolve the CARICOM agreement, which was the political solution.

To his shock and dismay Saturday evening came about, and I will tell you there is no secret, there have been press accounts, that basically President Aristide was told the following: ''One, get on the plane and leave and save the lives of you and your family; or die.''

Now, this is the bicentennial, as the gentleman from New York (Mr. MEEKS) knows, of Haiti, 200 years. On this 200th anniversary, or bicentennial, history is going to reflect that the United States played a hand in what possibly could have been the 33rd coup d'etat of Haiti.

I personally did not want our contribution to be that, especially since Haiti made it possible for us to make the Louisiana Purchase by taking out and beating down Napoleon, who was trying to run the whole world. Haiti went to Savannah to help us gain our independence against the British.

We got all upset with France over Iraq, talking about they do not appreciate our contributions of the past. I will say that the way we are going about it, I will not even say ''we,'' because I do not think this Congress would have even moved in this way, if we had the prerogative to have some say in this, in the way the administration moved.

So, Mr. Chairman, I am glad you put that into the RECORD of the Congress, so Americans will have an opportunity to reflect back on this moment to know that there were Members who were willing to bring this issue to the floor to let them know that history should not repeat itself.

Mr. MEEKS of New York. Mr. Speaker, if the gentleman will yield further, I think that CARICOM really should be applauded, because they really stepped up to the plate. They could have sat back and said just let it be. They could have been silent, as we were, up until that point, because we did not push CARICOM or anything.

We are the largest democracy on the planet. Yet we did not go in there to urge any kind of diplomatic or political solution. It took the nations of CARICOM to step up to the plate and say, ''Look, we do not want mayhem and violence. We understand the history and significance of Haiti. Therefore, we are going to come up with this plan and try to get two people to the table.''

Who dropped the ball? Unfortunately, this administration dropped the ball, because it did absolutely nothing to urge the opposition to come to the table. In fact, by its silence it said, ''You do not have to come to the table,'' which one knew then would lead to a result of what could possibly be the 33rd coup d'etat in the history of Haiti.

When we look at it, the question is, what if anything could have been done

by Aristide at that time, because he agreed to everything. First the bishops came with an agreement. Aristide agreed to it. The opposition disagreed. No one compelled them to come to the table. Then CARICOM came. Then there was an international group that came. You would have one side there saying we are willing to talk.

I for one had some problems with what was going on, and I thought having some more people involved in government and making sure there is a balance of power, that is what democracy was all about. As I looked at the CARICOM agreement, I saw there were concessions in there that individuals who may have felt they were locked out of government and not able to participate in a democratic process, that they were given, and that was going to be part of the negotiating peace, where they would be given the opportunity to sit in a floor similar to what we have here in the United States of America, in Haiti, so they could have the political debate to argue one side to the other.

Now, for sure, in my estimation, I do not agree with most of the things that the Republicans in our House do, as far as what they are moving. But we do not get into armed revolt. What we do is talk about it and debate on the floor and I have an opportunity to participate. Sometimes I even question the opportunity to participate because we are limited in our rules. But still it is the democratic process. It is the institution that we have. I think that is how problems should be resolved, and that is what we should urge people to do.

I said for a long time that I disagreed with the results that took place in the year 2000, where I believe that we had a President that was selected by the Supreme Court. I disagreed with that. But I thought that the way that we responded when we said okay, I disagree with it, but the Supreme Court is what our institutions say where there a dispute it is to be resolved. So even the fact that I disagreed with what took place and with the decision, I am going to agree with that.

That would be a lesson, an example, for the rest of the world to see, and thereby we should then also encourage other individuals to establish these kinds of institutions and to support them and not undermine them with common crooks and criminals.

Mr. MEEK of Florida. I have two points and a question for the chairman. Two points: Number one, President Aristide was recognized not only by the U.S. Ambassador, I want to recap, as the duly elected President of Haiti, but also recognized by the United Nations and the international community as being the President of Haiti. So when we hear these arguments about a questionable election, I do not say history speaks to that as it relates to our diplomatic ties with Haiti.

Mr. Ranking Member, whom I refer to as ''chairman'' constantly, the gentleman from Michigan (Mr. CONYERS), I have a question for you: Let us just play ''what if.'' Let us just reflect back, because I was not in the Congress when William Jefferson Clinton was the President of the United States of America.

If there was a Saturday night visit by the Clinton administration to a democratically elected leader, what kind of Congressional hearings would be taking place right now on the Hill? I just want the gentleman to share that. I want the RECORD to reflect that, because I remember being a member of the State legislature a number of hearings for less.

I yield to the gentleman from Michigan.

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

Well, first of all, we want to commend the subcommittee chairman, the gentleman from North Carolina (Mr. BALLENGER), for doing what he did today. I think it was very important. We will have a transcript of that record, the media was there, and it is an important beginning. But the gentlewoman from California (Ms. LEE) and myself, who are the co-chairs of the Haiti Committee, will have a resolution circulating tomorrow calling for an independent examination of this over and above the Congress.

□ 1930

The United Nations will be embarking on the same thing. And so it seems to me that the three things I wanted to add as we conclude, and this is what I think has been the import of this 3-way discussion this evening: one, the safety of the President of Haiti and his wife in the Republic of Africa; two, that we have an immediate meeting with Secretary of State Powell and Ridge about the temporary protected status of anybody that flees from Haiti and comes to our shores; and, three, that we continue the introduction of the resolution that will call for, in addition to any congressional activity in the House or the Senate, an independent examination of the circumstances of the United States in terms of this coup d'etat that has occurred in Haiti.

If there are other items to add, I would be pleased to add them to this list.

Mr. MEEK of Florida. Mr. Chairman, I just want to say that it is important that we try not in our democracy to revisit the kind of action as I understand it has taken place over the last 84 hours. While we are speaking into the record, I want to commend not only the Secretary of the U.N. for his forward progress and concern and in appointing a special envoy to deal with this situation in Haiti. But it is going to be upon this Congress to be able to respond in the way that we should. We cannot have it both ways. We cannot say, Haitians, you stay in Haiti and then on the other hand clog up assistance. We cannot say, because it is all wrapped around Haitians leaving, that is the real issue. Haitians, stay in Haiti. Deal with your own issues, but we will hold up the assistance. I say that again because that is what has happened in the past, Mr. Speaker.

I appreciate the gentleman's work as chairman of the working group as it relates to Haiti and its issues. But the gentleman from New York (Mr. MEEKS) and I celebrate representing a large Haitian American population, and I must say that it is important that we do the right thing in Haiti.

Number one, to make sure our troops are not over there for the rest of their lives. Because if we follow the Bush policy that has been followed in Iraq, we do not know when the clock will run out on that. We do not know how long our troops will be there. If you let some of us tell it, we think we are in charge in Iraq. And every day on the news it is different.

So when I look at this administration, it is a say-one-thing-and-do-another administration. And I hope that the American people are paying very close attention. If you care about Haiti or not, you have to care about the moves that we are making that are going to define the very future of our children's and grandchildren's lives based on the knee-jerk decisions that are being made on a Saturday night.

Mr. MEEKS of New York. Mr. Speaker, I want to thank the gentleman, as well as the ranking member, the gentleman from Michigan (Mr. CONYERS), when I think about the whole Haitian task force.

Number one, the record should reflect that this is the gentleman's first term in Congress, and he surely has followed right in the foot steps of his mother, Carrie Meek, who long stood fighting for the rights of Haitians and talking about the injustice that Haitians were receiving. And I think that his stepping forward on behalf of the Haitian people is clearly what he has done.

We talked in the hearing about the wisdom that the gentleman has brought to the hearing today and that he brings every Wednesday to the Congressional Black Caucus meeting because the gentleman has this interdialogue with individuals from his community, the largest Haitian community on or in our country. And what the gentleman brings is a different insight. It is an insight that unless you have that kind of interaction, everybody would not know of. And the gentleman has done it in such an articulate manner, and we appreciate it.

I mean, how the gentleman pointed out today, for example, that our policy, we had a problem talking about getting troops there to stop the common crooks from coming, but we had boats there instantly where you can see them from the shore to stop Haitians from coming here. That is why you only see 900 here. That was just very astute of the gentleman, and we thank him for bringing that forward.

Mr. CONYERS. Mr. Speaker, I would like to join the gentleman from New

York (Mr. MEEKS) in that commendation to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. If the gentleman from Michigan (Mr. CONYERS) could yield while I call my mother so she can watch. Both of the gentlemen are saying these wonderful things about me. Go ahead.

Mr. CONYERS. This has been very important; and, of course, it is very clear that this is the beginning of our inquiries into U.S. activities, conduct, action, in front of and behind the scenes with regard to this poor, distraught, economically strapped nation.

We have a much wider obligation than has been employed so far, and I think the Congressional Black Caucus, the Hispanic Caucus which has joined with us, the Progressive Caucus, the Pacific-Asian caucus, the Native American Caucus, we have all been working together with a number of people. The gentlewoman from Illinois (Ms. SCHAKOWSKY) is in at least one of those caucuses, but there are a number of other people that are coming in to join us because democracy is being tested by what we do and what we say.

It is very important. We met with the CARICOM leaders and its chairman, just before we met in the United Nations; and it was very obvious to them that if this could happen to Haiti, it could happen to them.

Mr. MEEKS of New York. Just on that point, because, I think it is important, on the whole western hemisphere because the first statement that we heard from President Chavez from Venezuela is indicating that Venezuela is not Haiti. Because just in April of 2003, there was an attempted coup there, again, threatening democracy; and we stood idly by. And but for the people of Venezuela who decided that they were not going to allow the coup to stand and put the president back, we were silent on that.

Our hands were kind of caught, the administration's hands I should say, because the gentleman is correct. I do not think the Congress would have acted that way, but the administration's hand was caught in a cookie jar. Here we come just a few months, we move from that, and we have the same kind of coup. There is a lot of similarities in that, whereas we seem to disregard the institution of democracy because of the dislike of who happens to be the democratically elected president. What we should be doing is looking to see how we can strengthen those institutions of democracy, how we can be helpful to strengthen those institutions as opposed to saying that the way you do that is to have a coup d'etat which gets rid of government altogether and causes mayhem.

Mr. MEEK of Florida. Let me just say this, there is a footprint of drug activity in the Caribbean. So that means that you have well-financed individuals that have guns that have now been green-lighted by this administration, that it is okay. And if I were the prime minister of any country in that area, I would be very concerned.

You would assume that the U.S. would help put a stop to this kind of thing. This is the vacation capital of the Caribbean. They are not used to worrying about coups and all these little different things. But if they watch very slowly over a 4-week period, drug dealers, known criminals, thugs going through Haiti and if you notice as they are starting to progress, they are getting body armor, helmets, fully automatic AR–15s, M–16s.

Mr. MEEKS of New York. Where do they come from?

Mr. MEEK of Florida. They say they came from the Dominican Republic. Also, there was a question about the U.S. selling arms to the Dominican Republic, some of those same arms that ended up in Haiti.

So I am not a man with conspiracy theory here. And take it from my good friend, the gentleman from New York (Mr. RANGEL), this is not the Kendrick Meek Report. This is factual. So we have a lot to be worried about. And like I am saying to Americans, what this administration is doing as it relates to putting our armed services and making the job harder, we could have had peacekeeping troops in there. We could have stopped the violence, and we could have come up with a peaceful solution.

Mr. CONYERS. Under the Special Orders that we will be taking tomorrow evening, I will be able to report to you the whereabouts of young Duvalier, who is reported today to be planning to return to Haiti. And there is a young gentleman evicted from Haiti named Constant in New York.

Mr. MEEK of Florida. He is in my district.

Mr. CONYERS. We have to watch where he is at all times. His record is bloody and long and unsavory. And so I am very glad that both of the gentleman, who have enormous Haitian constituents, are here not just because of their numbers, but because American democracy is on trial in Haiti.

Mr. MEEK of Florida. As we close, Mr. Speaker, and I want to thank the Members of the House and the Democratic leader for allowing us to have this moment to address not only Members of the House, but the American people and that we think long and hard about the decisions that the President is making. We think we should not automatically give instant credibility to Saturday-night decisions.

I am pretty sure there is a strong argument to justify the reason why we went in and we told President Aristide what we told him when we told him. I am pretty sure that there is a strong argument when we said you have to sign this letter of resignation not once, but twice, before you board the plane to save your own life. I am pretty sure there is an argument. But I will tell you as we look on the annals of history of this country and how we treat democracies, like it or not, there has to be a better way. For us to make sure that we assure the safety of those peacekeeping troops that are there, some that are Americans, some that are do-gooders at the United Nations, we need to make sure that we do not put them in harm's way.

Mr. Speaker, I pray and I hope that we do not have any harm come to any of the peacekeepers that are there. I pray and hope that the killings stop on both sides of the ball as it relates to Haitian people.

Mr. Speaker, with that I will close. I am proud to be a Member of the U.S. House of Representatives, and I hope in the future that we can change some of the mistakes that have been made in the last 84 hours.

REWRITING AMERICAN HISTORY

The SPEAKER pro tempore (Mr. CARTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, as I sit and listen to my colleagues discuss the events in Haiti, I cannot help but think about the fact that although they are quite concerned about the recent events and that Mr. Aristide has been ousted, it is important I think for us all to recognize that it is the people of Haiti that ousted Mr. Aristide; and whether our colleagues in the House of Representatives do not like that or not, it is really irrelevant.

He was, in fact, a socialist and rather incompetent administrator; and it is not surprising that his regime came to an end.

At any rate, let me pose a question, Mr. Speaker. Mr. Speaker, would you believe that in the textbook in a school district in New Mexico, an introduction to that textbook which is, by the way, called ''500 Years of Chicano History In Pictures,'' states that, and remember, this is a textbook in a public school in the United States of America, specifically now in New Mexico. And this is not a question being posed. What I am going to read here is not what somebody just suggests.

□ 1945

This is what the textbook purports to be true. It said that this textbook was written ''in response to the bicentennial celebration of the 1776 American Revolution.'' You think good, nice idea, ''and it's lies.'' Its stated purpose is to ''celebrate our resistance.'' Who are they talking to here? Celebrate our resistance to being colonized and absorbed by racist empire builders?

The book describes defenders of the Alamo as slave owners, land speculators and Indian killers, calls Davey Crockett a cannibal, and it said that the 1857 war on Mexico, not war with Mexico, war on Mexico was an unprovoked U.S. invasion.

Chapters include headings like Death to the Invader. This is the chapter

heading: U.S. Conquest and Betrayal. Here is another chapter heading: We Are Now a U.S. Colony in Occupied America, and They Stole the Land.

Now this is a textbook. This is what has been printed. This is what has been adopted. This is what is being used in schools in New Mexico. I do not know how widespread this is. I do not know how many other schools have adopted it. I do not know whether it is on anybody's recommended reading list for children, but I do know that, as bizarre as all of this sounds, it is not unique. This is not an aberration. This kind of revisionist history, this kind of venomous descriptions of the United States is not unique.

That should concern us all, I think, and it is what I want to talk about to some extent this evening: What is happening to the teaching of our history, our culture and the heritage we call Western civilization, and why I think it is important to address this issue in this body.

There was an old chant during the 1970s, I think it was, maybe late 1960s, early 1970s. College campuses in reference to maybe Ho Chi Minh. Students would chant Ho Ho Ho, Western Civ has got to go. I remember that on my campus as a matter of fact, and it has gone by the way. It has gone. Seventy percent of all of the elite institutions of higher education in this country have dumped it from their course list and from the curriculum. They will not teach Western civilization anymore, and quite frankly, if this is a reflection of the way Western civilization is taught to students, not just in high schools but colleges, which of course it is, then I am glad they are not teaching it anymore because they are not teaching Western civilization. They are teaching a hatred for Western civilization and a hatred for everything we are as a Nation because, Mr. Speaker, we are a reflection of that civilization, a Judeo-Christian heritage about which we can be very proud, the story of which we should pass on to the children who come into our schools and the immigrants who come into this country.

Let us go through some other interesting examples of what we have found in the textbooks of America and why today at 10 o'clock across the street I and several other Members gathered to announce that we have introduced a resolution into this body. Simply put, the resolution says that children graduating from schools in this country should be able to articulate an appreciation for Western civilization. That is it. That is it. Does not mandate anything on schools. Does not demand that we change textbooks. Does not do anything. It just says that we think, as a body, that children graduating from our schools should be able to articulate an appreciation for Western civilization.

Would you think, Mr. Speaker, that that is a contentious amendment or resolution? Would you think that that is something where people would respond vitriolically and say how dare you? But they did. But they did.

The National Education Association thinks it is deplorable. By the way, there were similar press conferences held throughout the country today by State legislators or press releases they sent out saying they were introducing similar resolutions in their State legislature. We have probably, I do not know, 10 or 15 State legislatures that have agreed to take on this challenge. We have hundreds of individuals who have gone to our Web site on their own. I mean, it was amazing that even before we announced this today, we had all kinds of folks who had gone to the Web site, www.house.gov/tancredo, pulled up, and when the pop up came up, it is called Our Heritage, Our Hope. They went to that page, and they saw the resolution. They saw the resolution that the State legislature was going to introduce, and they saw a resolution they could bring to their school board, a similar resolution, asking that the board actually prepare students who would be able to articulate an appreciation for Western civilization. There is plenty of opposition to this. It is just amazing but there is.

People ask me why did I do this, why did I find it necessary to actually take this action and introduce a resolution. Well, Mr. Speaker, my colleagues know that I spend a great deal of time on the floor of this House and talking to you and other Members about immigration related issues and my concerns that our country is being divided up, it is being balkanized, that we are not encouraging assimilation, that we are encouraging this fragmentation of America by telling people who come here that they should not become part of the American experience; there is nothing really good about it; that they should keep their own languages. We should teach those languages in the school instead of English. We should encourage them to stay separate. We should encourage them actually to even keep their own political affiliation with the country they came from. We tell them they can become dual citizens. We send all kinds of messages to them that there is nothing good about America. Why would they want to attach themselves to this kind of a country?

We tell them this and we tell their children that when they come to school, and we wonder why we are having a hard time actually creating a homogenous society. We really wonder what is happening to us. This is one reason why I address this issue, because I believe that we are telling our children and the children of immigrants that there is nothing of value in Western civilization or in the United States of America.

I went to a school in my district about 2 or 3 weeks ago when we were on break. It was a high school, brand new high school, good principal, good teachers, as far as I could tell certainly, kids that had been relatively well-schooled in math maybe and reading. I do not know. I cannot tell you that I saw their CSAT scores or anything, but it seemed like a good school. Brand new, all the best accoutrements of education, and all these kids came to talk in an auditorium with me, and we had a really great kind of discussion, and then they started sending questions up to me.

One question that was posed to me was this. They said, what do you think is the most severe problem we face in this country, and I said, let me ask a question here, and then I can tell you what I think that problem is. I said how many people here in this auditorium, 150 I would say, 150 to 200, I am not sure how many, I said how many people here would say that you believe you live in the best country in the world. Simple question. There was a pause. A few hands began to go up. Maybe two dozen eventually raised their hand out of 150 to 200 people. I said, well, let me ask you about Western civilization. Do you realize you are a product of that and do you think by and large it is a good thing? Are you proud of that? Well, of course, no response to that one really. I said, well, then I can answer your question about what I think is the biggest problem we face. This is it.

Now, there were other kids in that room, Mr. Speaker, that I felt wanted to say, yes. You could tell that they were. I have been a teacher, was a teacher for years, and I have seen that look on their face. It is, I put my hand up, he may call on me, and I will be able to actually defend this proposition. That was the feeling I got that held them back, not necessarily that they did not like America, they did not think it was a good country, the best country to live in. It was, they could not defend it, they could not defend that proposition.

You wonder why. You wonder how it could be that by the time a child gets to high school that they would feel uncomfortable with saying, yeah, yeah, man, this is great, it is a country of freedom and we have got the Bill of Rights and just some things that you maybe reel off that you think are pretty good things and the reason why you live here, but they could not.

Not too long thereafter I met with a whole group of teachers. These were teachers from the Cherokee Creek schools. They were all social studies teachers. It was one of those in-service days. They were all supposed to come and hear me speak as part of their in-service. Some of them boycotted, would not come, because I was the speaker, understandable, but I would say again maybe 75 to 100 teachers.

I brought this issue up, and I told them what had happened in the other school. I said, do you believe it? Do you believe it? Again, maybe a couple of dozen, and I thought to myself, no wonder, of course. It is not a surprise then if the teachers in this room do not believe that they live in the best country

in the world, why would they teach their children that? Why would they teach students that? But what they teach them is to be critical of everything.

I want to emphasize, Mr. Speaker, I do not want us to tell children that all of our history is of glory and promise and hope. Certainly that is not true. Certainly there are many things we have done wrong, but let me suggest, Mr. Speaker, there is something absolutely unique about this country that deserves to be told, a story that deserves to be told and it is this.

Of all the countries on this planet, one, just one, started on the basis of ideas and ideals back in the 1700s. Every other country came about because somebody carved it up, conquered it, drew the lines or whatever, but we started the whole concept of starting a country with an idea. And where do these ideas come from? They are the ideas of Western civilization. They are the products of literally thousands of years of human development, starting with the Greeks and the Romans.

Certain concepts are uniquely Western. No other civilization can claim them. How about the concept of the rule of law as opposed to the rule of man? Uniquely Western. It is ours. It is good. It is a good thing. We are trying our best to right now plant those seeds in far off lands and are spending treasure, both monetary and human, in pursuit of that goal. The rule of law over the rule of man, not a dictator, not Saddam or Qusay or Uday, but the rule of law. That is what we are trying to do.

It is a noble cause. The men and women who are trying to plant those seeds are being fired on every day, some losing their lives, seems like every day.

□ 2000

But it is for a noble cause, Mr. Speaker. I believe that.

But how long would I believe those things if I had been taught every single day things like this: in a textbook called ''Across the Centuries,'' which is used for seventh grade history, and, boy, I have to put the word history in quotation marks there. That is my editorial comment. The book defines the word jihad as, ''To do one's best to resist temptation and overcome evil.'' So now this is what children are taught the word jihad means.

When this child watches a program on television and this word is used, and it is a word used in conjunction with someone who has just blown himself or herself up, and a lot of other innocent human beings around them, this kid is supposed to think that that is what somebody is doing in order to resist temptation and overcome evil. And if we condemn jihad against the United States, then we are condemning someone who is just simply trying to overcome evil. This is what we tell our children?

In 2002, the ''New Guidelines for Teaching History'' in New Jersey's public schools failed to even mention America's Founding Fathers, the Pilgrims, or the Mayflower. In the Prentice Hall history textbook, used by students in Palm Beach County high schools, titled ''A World Conflict,'' the first five pages of the World War II chapter focus entirely on topics such as gender roles in the Armed Forces, racial segregation and the war, internment camps, and women and the war effort.

This is the way we introduce World War II to the students. It is all about this stuff, and not about trying to save civilization from a dark age; not about trying to stop a psychopathic killer who would have in fact destroyed the world. No, no, World War II was what do we think about the gender roles in the Armed Forces.

We have this list and many, many others on our Web site; and again I am going to say, Mr. Speaker, that it is www.house.gov/tancredo, and one can go to ''Our Heritage, Our Hope.'' Mr. Speaker, there are people who can help us out there. They can sign up and help us take a resolution to their school board. It is all on there, and we will give them all the help they want.

Now, here is McDougal's textbook. And, by the way, I used a textbook 30 years ago by McDougal that is completely different from this one when I taught seventh, eighth, and ninth grade civics at Drake Junior High in Arvada, Colorado.

Here is what this one says about American history. It teaches that Sitting Bull had strength of character while Custer was a fool and rode to his death. Now I am not saying Sitting Bull did not have strength of character and purpose; but, again, look at the way all these things are presented. It discusses U.S. soldiers killing Indian women and children in Sand Creek and Wounded Knee, but fails to mention the Indian killings and the kidnapping of white women and children the summer before Sand Creek.

It devotes 180 lines of text to discrimination in the United States in the late 1800s and 1900s, 180 lines of text. It notes in the context of the Nazi Holocaust that George Custer used the term ''final solution.'' It devotes 107 lines to the racist internment of Japanese during World War II, but nothing on the Japanese rape of Nanking or the 1942 Bataan death march. Not a word. It claims that anybody who opposes unlimited immigration is influenced by racism; that they were influenced by racism, especially in the 1920s, and were anti-immigrant.

Further, it editorializes that George W. Bush's conservative administration and policies are extreme. This is a textbook. It states that the Reagan-Bush ''conservative agenda'' limits advances in civil rights for minorities and that the conservatives' bid to dismantle Great Society social programs could be compared to abandoning the Nation.

I am telling you, Mr. Speaker. I mean, yes, I expect that here on the floor of the House. I expect to hear that from our opponents. Understandably, this is the place where this kind of tussle goes on. I expect to see it on the editorial pages of the papers in my district. They are all pretty liberal. I expect to see it by commentators in those newspapers, in the Wall Street Journal, in the New York Times, and The Washington Post. Yes, I expect to see all of this. But in a textbook? In a history textbook?

It also states that communism had potential totalitarian underpinnings. Potential? It contrasts Chiang Kai-Shek's repressive rule in China with Mao Zedong's benevolence toward peasants in the 1940s. It fails to mention the death of about 65 million Chinese after Mao came to power in 1949.

It classes sex roles in marriages with slavery as instances of inequality. It states that sex roles in marriage and in the family foster discrimination and inequality.

The Prentice Hall textbook ''America: Pathway to the Present'' contains references to Ngo Dinh Diem's repression in South Vietnam, but no references to the purge by Communists in North Vietnam from 1951 to 1956, which killed about 50,000 Vietnamese.

It states that Bush's 1,088 ads attacking Dukakis created a nasty contest, alienating some voters and contributing to low voter turnout.

It discusses the introduction of Old World diseases into the New World in the Colombian Exchange, but it does not discuss American diseases brought back to Europe. In fact, a lethal strain of syphilis, probably from America, killed many Europeans in the early 1500s.

Now, all these things are factual. And I am not suggesting for a moment that we should not talk about the problems that happened when Columbus came and the clash of civilizations. Would it be, I wonder, chauvinistic here and too one-sided to suggest that in the course of world history that whenever two civilizations clash the one with the greater technology is almost always, in fact always is the victor. And in the case of the clash of civilizations here on this continent, the fact is that the greater technology, the civilization with the greater technology, was the victor.

It does not excuse all of the problems that were inherent in that time frame and in that manifest destiny that we were pursuing. It does not excuse it and should not be overlooked. But is it the only story? Is that the only way to project American history and Western Civilization? Is that the only context we can actually think of to discuss this in for students? Is there anything that has happened here worthy of note from a positive standpoint?

The same ''Pathways to the Present'' argues that traditional sex roles deny women full equality because it does not empower them to perform as men. It

fails to mention in the brief reference it has to Thanksgiving that the Pilgrims were thanking God.

Now, there is Holt Rinehart Winston's ''American Nation in the Modern Era.''

And why I want to go through these, Mr. Speaker, I know it is lengthy, but I want to show the things I have pointed out were not aberrations. They were not just radical examples of this radical multiculturalist philosophy that actually permeates our system and our schools. It is the norm.

I talked yesterday to an editor at the Rocky Mountain News about this issue, and he said, well, you know, I do not know. I look at my kid's textbook and, admittedly, she is in a private school, so I am not sure it is the same thing, but I do not see a lot of this stuff. But he said, I do notice they are just not being taught American history, not any kind. Not this kind, but not any kind.

That certainly may be the case, that the problem here is there is simply a lack of American history or Western Civilization being taught all together. Whatever is the problem, whether it is this kind of revisionist history that is being taught, whether it is these kinds of skewed examples of who we are and what we are, or the fact that there is nothing at all, there is a problem. There is a problem because when we ask children, as I did, if they believed in who we are and what we are, they could not defend it. This is problematic, and it is something we should try to address.

Holt Rinehart Winston's ''American Nation in the Modern Era'' includes an exercise calling for students to criticize but not to defend nativists' support for immigration restrictions in the 1800s.

Again, could it be possible that some people during that period of time were concerned about things other than the race of the people coming in to the United States? Could it possibly be?

This links anybody who is opposed to immigration reform as racist and discriminating. It associates immigration restrictions with intolerance and discrimination.

I am surprised I did not get a mention in this book, but it is a little too early, I guess, for me.

It contains the theme that the only cause of violence in America, especially in the South in the Reconstruction area, were white racists. No other objection to radical reconstructionism. It devotes 1,456 lines to social protests by ethnic and other groups from the 1950s to the 1970s, but far fewer lines to U.S. involvement in World War I and II.

These things are not unique to just textbooks, by the way. At our colleges and universities there are a lot of awards that are given every year, called the Pollys, and they are for outrageous activities or behaviors or whatever on college campuses. They are as follows:

These are some of the events on college campuses: University of California at Berkeley. Student radicals broke into a Berkeley student office, stole the entire 2,000 press run of a conservative newspaper, the California Patriot, then threatened the editors with death when they filed a police report. It is believed the crime was committed by members of MeChA, a Mexican liberation group at Berkeley.

At Tufts University, hooded leftists assaulted a conservative student. The university let the attackers off with only a warning.

At San Diego State and at the University of North Carolina, campus administrators blame campus patriots and America for the terrorist attacks on September 11.

That was 2002.

The University of Oregon. Elements of the so-called Animal Liberation Movement specializes in ''liberating lab animals and destroying private property through vandalism and arson'' have an office at the University of Oregon in Eugene. Their newspaper, paid for by student fees, is The Insurgent. The December 8 issue, which contained an 8-page insert titled ''The ALF Primer: Your Guide to Economic Sabotage and the Animal Liberation Front''. It talks about arson and what else you can do to push this particular idea and agenda. A simple way to burn a vehicle is to place a sheet or blanket on top or underneath and soak it with a flammable liquid.

The university does not go after this group. They let them stay on campus.

□ 2015

The textbooks, of course, and professors at universities, things that are said about America and our involvement in Iraq, it is all absolutely incredible and absolutely one-sided. So that certainly does not help.

What one would hope is that children coming out of high schools in this country would have what is often referred to in the parlance in edu-speak as critical thinking skills. That is what we are supposed to teach children, critical thinking skills, so they are able to look at two sides of an argument and make some intelligent decision about which side is correct. But you can only have critical thinking skills if you are taught both sides of an issue, if you are shown there are two sides to these issues.

When children come out of our high schools and into these kinds of institutions, and we have literally scores of examples of things that happen and are stated on campuses all over the United States, it is no wonder that we see strange and bizarre reactions. For example, Antonin Scalia, a noted jurist speaking recently at an ivy league college almost was not allowed to speak. The students and professors protested the fact that he was allowed to speak on a college campus. They had big demonstrations outside. He is a member of the U.S. Supreme Court, a noted jurist; and we had people in our country at institutions of higher education, and I have to put that in quotes, too, saying that he could not speak because what he said they did not agree with. It did not fit the model, this radical multiculturalist model that they had been force-fed for years. It is intolerance that we are, in fact, promulgating; intolerance for any other kind of idea other than that pushed by the radical left and the cult of multiculturalists out there.

Mr. Speaker, I believe it is problematic, and I believe there are things that we can and should do about it. If nothing else, we should simply start a debate about this. I hope that our resolution today helps generate some discussion and does help generate a debate about what exactly it is we expect from the students that are in our schools and what we expect from people coming into this country.

Mr. Speaker, I had occasion to talk to a bishop, a Catholic bishop in Denver, Colorado, named Bishop Gomez. We had a breakfast meeting awhile back. During the course of the discussion which naturally revolved around the issue of immigration, and I say naturally because that seems to be the issue I find myself discussing more and more often, Bishop Gomez said something to me and the other people at the table that I thought was quite incredible. He said, Congressman, I do not know why you are worried about the Mexicans coming into this country. He said, They do not want to be Americans. That was his comment.

I said, Bishop, that is the problem, of course. That does not make me feel good. If you think I am relieved by the fact that we have people coming into the country by the millions who do not want to be Americans, combined with the fact that everywhere they go in our society we tell them they should not be, if you believed what was in the textbooks that I just quoted, why would you want to connect with this country? You would want to take the benefits of a good job and send money back home, but you would not want to connect with it emotionally or politically. You would say, no, I think I will keep my citizenship in my country of origin. And between 5 and 10 million, huge numbers of people, are claiming dual citizenship in this country, which never happened before.

There are several great books, of course, but one is called ''The Clash of Civilizations'' by Samuel Huntington. I found it to be quite profound and quite provocative, and I certainly recommend it. But I harken back to another book I read a long time ago. It is called ''The Disuniting of America,'' and the author was a guy by the name of James Schlesinger, Jr. Mr. Schlesinger is not known as a conservative pundit or author, and he is not. He is a liberal. But the book was, I thought, quite compelling. Again, I recommend it to anyone. It is a great book, ''The Disuniting of America.'' He talks in

ways far more articulate than I, and he talks about this phenomenon. He talks about dividing this country and what we are doing to ourselves and what is happening to us. Why is it so hard for us to think about America and Western Civilization as a place and a civilization respectively of value? Is it because we are afraid to be patriots or to teach children to be patriots?

There is a fascinating article by Donald Kagan in ''The Intercollegiate Review'' in the spring 2002 called ''Terrorism and the Intellectuals.'' He says, ''Free countries like our own have had even more powerful claim on the patriotism of their citizens than do others, and our country has an even greater need of it than most. Every country requires a high degree of cooperation and unity among its citizens if it is to achieve the internal harmony that every good citizen requires. Unity and cooperation must rest on something shared and valued in common.

''Most countries have relied upon the common ancestry and traditions of their people as the basis of their unity, but the United States of America can rely on no such commonality. We are an enormously diverse and varied people, almost all immigrants or the descendants of immigrants. We come from every country on the face of the Earth. Our forebears spoke, and many of us still speak, many different languages. And all the races and religions of the world are to be found among us. The great strengths provided by this diversity are matched by great dangers. We are always vulnerable to divisions among us that can be exploited, to set one group against another and thus to destroy the unity that enables us to flourish.

''We live in a time when civic devotion has been undermined and national unity is under attack. The individualism that is so crucial a part of our tradition is often used to destroy civic responsibility. The idea of a common American culture, enriched by the diverse elements that compose it but available equally to all, is under assault. Attempts are made to replace our common culture with narrower and politically divisive programs that are certain to set one group of Americans against another.''

Mr. Speaker, it is called the textbooks of American public education.

He continues, ''The answer to these problems and our only hope for the future must lie in education, which philosophers have rightly put at the center of the propagation of justice and the good society. We rightly look to education to solve the pressing current problems of our economic and technological competition with other nations, but we must not neglect the inescapable political and ethical effects of education. We in the academic community have too often engaged in miseducation. If we encourage separatism, we will get separatism and the terrible conflicts in a society that it brings. If we encourage rampant individualism to trample on the need for a common citizenship, if we ignore civic education, the forging of a single people, the building up of a legitimate patriotism, then we will find ourselves a Nation of selfish individuals heedless of the needs of others. We will have the war of all against all, and we will have no common defense.

''The civic sense America needs can come only from a common educational effort. In telling the story of the American political experience, we must insist on the honest search for truth. We must permit no comfortable self-deception or evasion, no seeking of scapegoats; but the story of this country's vision of a free, democratic republic and of its struggle to achieve it need not fear the most thorough examination. Our country's story can proudly stand in comparison to that of any other land, and that story provides the basis for a civic devotion we so badly need.

''In spite of the shock caused by the attacks on New York and Washington and the discovery of anthrax in the mail, I am not sure we really understand how serious is the challenge that now faces us. We are only at the beginning of a long and deadly war that will inflict much loss and pain, one that will require sacrifice and steady determination during the very dark hours to come. We must be powerfully armed, morally as well as materially, if we are to do what must be done. That will take courage and unity, and these must rest on a justified and informed patriotism to sustain us through the worst times.

''A verse by Edna St. Vincent Millay provides a clear answer to the question of why Americans should love their country:

Not for the flag
Of any land because myself was born there
Will I give up my life.
But will I love that land where man is free,
And that will I defend.

''Ours is such a land.

''Up to now, too many American intellectuals and too many faculty members of our greater universities have been part of the country's problem. If we are to overcome the dangers that face us, we will need them to become part of the solution. My hope is that the natural, admirable, vitally necessary patriotism that is now gaining strength and expression among ordinary people of our land will help to educate those among us who feel intellectually superior to them. We will need that patriotism in the long, dangerous, and difficult struggle that lies before us.''

Certainly I cannot say it better than Mr. Kagan. Again, that was Donald Kagan from ''The Intercollegiate Review'' in the spring of 2002, ''Terrorism and the Intellectuals.''

My little attempt, Mr. Speaker, to do what Mr. Kagan is suggesting is the resolution I mentioned earlier today. Again, it simply says that all children graduating from schools in this country should be able to articulate an appreciation for Western Civilization. It will be interesting to see and hear the debate. It will be interesting to see and hear people say, no, they should not.

IRAN

The SPEAKER pro tempore (Mr. CARTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. ANDREWS) is recognized for 60 minutes.

Mr. ANDREWS. Mr. Speaker, I must begin by thanking the staff of the House of Representatives for enduring these long nights so we have a chance to speak our minds about the important subjects of the day. We certainly appreciate the Speaker and the staff who stay here into the wee hours.

I also extend my appreciation to the gentleman from Colorado (Mr. TANCREDO) for the intense causes in which he believes and for his patriotism. I must say, one of the reasons I love my country so much is we have the academic freedom that decisions about what we teach and how we teach it are made by educators and teachers and not by those of us in this Chamber, and I hope that is always the case.

Mr. Speaker, I want to talk about a challenge to the values that I just made reference to, probably the most important challenge to these values that we have faced in many generations in this country.

□ 2030

In the 1970s a young man named Ghollam Nikbin came to the United States from Iran. He came here to study at an American university. While he was here, the fundamentalist revolution in Iran took place and in 1979 his country changed dramatically and he chose not to return to Iran. At the time he came to the United States he was a person who practiced the Islamic faith. While he was in the United States, he met an American citizen who was a member of the Mormon faith and he married this American citizen and he converted. Mr. Nikbin converted to the Mormon faith himself. That marriage subsequently ended in divorce and in 1991, Mr. Nikbin returned to his native Iran to live his life. While there, he met another woman and they decided to get married and he had a wedding. During his wedding, members of the police force in Iran raided the wedding because the men and women at the wedding were engaged in dancing. Men were dancing with women. For this hideous offense, Mr. Nikbin was publicly lashed 40 times with a whip to punish him for his transgression against the prevailing culture.

Things grew worse for Mr. Nikbin in Iran. He was a suspicious person because he had converted to the Mormon faith and then attempted to convert back to his native Islamic faith. So in 1995 he tried to leave the country. As he was at the airport, he was intercepted by Iranian authorities who refused to let him leave the country. He

was beaten with an electric cable and he was hung upside down by his ankles for extended periods of time. Today he is 56 years old. He has returned to the United States. His family says he was able to return to the United States because they were able to bribe the appropriate officials in Iran to get him released from the country. His crime was that he converted to a faith other than radical Islam.

A woman named Zahara Kazemi, a woman of both Iranian and Canadian descent, a 54-year-old woman, last June 23 took an assignment. She was a photo journalist. She took an assignment to go to Iran to do her work as a photo journalist. On the 23rd of June of last year, she was taking photographs of a student demonstration outside of the Evin prison in Iran. She was apprehended by authorities for the hideous crime of taking a photograph of a demonstration. After 77 hours of interrogation in an Iranian prison, she took sick. On the 11th of July of last year, 18 days after she arrived in Iran, she died in an Iranian hospital while in the custody of the Iranian authorities. At first, their report is that she had suffered a stroke and died of natural causes. Many in our sister nation of Canada expressed outrage as to the conditions around Ms. Kazemi's death and the Canadian government was persistent and, finally, 5 days after she died, authorities of the Iranian government indicated that it was not a stroke at all, that she had died from beatings that led to a cerebral hemorrhage, a 54-year-old woman beaten to death in an Iranian prison because she dared to take photographs of a peaceful demonstration.

What kind of monstrous spirit would give rise to these atrocities? It is a spirit we have seen before. It is the spirit, the horrible spirit, the horrible poisonous spirit that led 6 million Jews to the gas chambers during the Holocaust. It is the horrifying spirit that sees people strap C4 to their waists and walk into hotels and onto buses and near schools in the Middle East every day. It is the awful animus that led to the bombings in Riyadh, in Ankara within the last year. The victims are of all faiths, Christian, Jew, Muslim, Buddhist, agnostic. They are of all races and all nationalities. What these horrific acts have in common is they are rooted in the poisonous well of an intolerant hatred of anyone who is not like those who practice that intolerant hatred.

This poisonous attitude is contrary to everything that we are as Americans. It is against inclusion of people of other races and cultures. It is an attitude that despises the equal treatment of men and women under the law. It is an attitude that looks at other faiths not as an opportunity to learn how other people might live but as a threat to one's own twisted faith. By no means is this poisonous attitude representative of the Islamic faith. I believe the Islamic faith is a faith of peace, of humanity, of inclusion. By no means is this twisted attitude wholly representative of the Arab culture or the Arab ethnicity. I believe that the vast majority of men and women of Arab descent love peace, respect others and wish that their children would grow up in a world where others share those values. But make no mistake about it, the poisonous well from which these acts spring is an attitude that identifies everything Western, everything modern, everything progressive, everything that America loves and everything that Americans are. It is an attitude that identifies all those things as a threat to be detested, defeated and destroyed. It is an attitude that we saw in the rubble of the World Trade Center on September 11 of 2001. It is an attitude that literally blew a hole in the Pentagon. It is an attitude that led dozens of brave Americans to their death in a field in Shanksville, Pennsylvania.

Many of us believe that September 11, 2001, was not an isolated criminal act. It was an act of war that shocked Americans into a realization that we are in the midst of a great global struggle between those who love and tolerate diversity and those who deplore it and try to destroy it. So the reason we should care about the stories I told you about Ghollam Nikbin, Zahara Kazemi, the stories that I could have told about hundreds of Iranian students who are in Iranian prisons tonight, the reason we should care is that the hateful attitude from which the attacks on them sprung is an attitude that targets us next, an attitude that seeks to destroy us and our way of life.

By no means is it fair or accurate to say that such an attitude is common or characteristic of the Iranian people, by no means is it fair or accurate to say that it is characteristic of the history of their nation, and by no means is it accurate to say that this hatred will mar and define the future of the people of Iran. I aspire to a future where the people of the United States and the people of Iran are partners in peace and freedom, where we celebrate each other's differences and respect each other's values. But that is not the case today.

Mr. Speaker, I would hope that we in this House and we in this country could focus on the very grave and real threat posed to the peace that we enjoy tonight by the presence of the terrorist incubator in Iran. When we consider what our policy should be toward Iran, we should not think about September 11 of 2001 because there frankly is no evidence that I have seen that would suggest that the Iranian government was in any way a sponsor of the atrocious attacks on our country on September 11. In fact, the evidence is rather replete with examples that Osama bin Laden and his al Qaeda organization have been at odds with the radical fundamentalist Iranian leadership.

But the question is not who allied to attack us on September 11. The issue is who wishes to attack us in the future, where the threats exist for our future. To understand why we want to prevent the next 9/11, why we want to limit the next attack on this country so it does not succeed and so we can defeat such an attack, we need to understand where the first 9/11 came from. In order for terrorists to succeed, they need personnel, they need leadership, they need financial and logistical support, and their leaders need sanctuary. Their leaders need a place where they can plan, plot and eventually execute attacks against the people of the United States of America. September 11 happened because Osama bin Laden and his al Qaeda organization had all four of those elements to attack us. They had the personnel, the 19 twisted individuals who hated us more than they loved life to the point that they were able to turn civilian airliners into weapons of mass destruction. They had the leadership, the odious cadre of dark men who surround Osama bin Laden, who conceived of such a horrific plot. They had the finances and the logistics, passing through international financial organizations, in many cases laundered through Saudi Arabia, laundered through other institutions, many of which to this day refuse to disclose their banking records to us. The terrorists were able to gather the logistics they needed to place the hijackers in America, buy their plane tickets, acquire their training, keep their cover and let them prepare to do their horrible deeds.

And, finally, and I think crucially, the September 11 attackers flourished in the terrorist sanctuary of Afghanistan. At the time Afghanistan was run by the Taliban regime, a group that not only tolerated the presence of al Qaeda but actively facilitated the presence of al Qaeda. I think the argument is rather clear. Without a sanctuary in Afghanistan, there would have been no place for Osama bin Laden to plot this attack. Without a place to plot this attack and gather his resources, there would not have been an opportunity to carry out the attack. Without the opportunity to carry out the attack, there certainly would not have been the carnage and pain this country felt and still feels emanating from September 11.

What is the lesson of September 11? There are two lessons. The first is if you give terrorists sanctuary, they will exploit that sanctuary and, like a snake that is coiled in the corner, they will wait till precisely the right moment to strike. And the second lesson of September 11 is if you wait for the snake to strike, it always will. If our strategy in the face of this global struggle is to wait and see if terrorists who enjoy sanctuary will attack us, I do not think, Mr. Speaker, that is a question. I think history is conclusive on this point. If you wait for terrorists to attack you, they will. This is the context in which we must understand what is happening in Iran today and

why it is important to the United States of America to rethink the way we approach this problem.

Iran is a place where terrorist organizations who disrupt the Palestinian-Israeli negotiations find refuge, find weaponry, find cash. It is a place where admittedly significant al Qaeda elements are present tonight. There is an argument as to exactly what they are doing. The Iranian authorities would tell us that they are in the custody of the Iranian government. Some would suggest that the Iranian government are using these al Qaeda leaders as pawns to try to facilitate the release of terrorists held by the Israelis and other law-abiding nations of the world. But irrespective of the purpose for which the Iranian government holds al Qaeda terrorists tonight, the fact is they are present in Iran tonight.

□ 2045

They found Iran to be a place that was a willing sanctuary for their activities. There can be no good inured to America's benefit from that sanctuary continuing.

What do terrorists need? They need leadership. They need people who are willing to conceive of these terrible plans that spring from this awful wellspring of intolerance and hatred. They need personnel. They need to recruit young men and young women and, in some cases, children who are willing to put their own lives at stake to manifest that hatred by killing thousands of others. They need money and logistics to carry out their attack. They need weaponry, and they need sanctuary. I think it is indisputable that Iran is such a sanctuary. It is indisputable that if tonight the CIA, the National Security Agency, other U.S. intelligence operatives had information that there were terrorists at loose in Iran and they asked for the cooperation of the Iranian government, I think it is indisputable that at best, at best, we would get noninterference; at worst we would get active resistance.

Mr. Speaker, if those same terrorists were loose in Jordan, the Jordanian government would help us. If those terrorists were loose in Kuwait, the Kuwaiti government would help us. If they were loose in Israel, the Israeli government would not need our help. They would just find them and take care of the problem. If they were loose in the countries of our European allies, I am quite confident that we would have the assistance of those allies, in South America, in the Philippines. Iran is a place where terrorists will find the medium in which their peculiar form of bacteria need to grow.

What logistics might Iran supply to a terrorist who wants to attack the United States of America? Today for every 100 containers that enter the ports of the United States in these huge containers we see out by the ports, for every 100 of those containers that enter the United States, two of them were inspected, 98 were not. It is commonly known that one of the ways that we are at risk is that as the huge influx of trade comes and goes from our country in container ships, that the planting of a small nuclear weapon on a container ship could cause catastrophic results in this country that would dwarf the pain of September 11.

Where might terrorists find such a nuclear bomb? Sadly, there are a number of places. One of those places is from hungry former Soviet scientists who were living relatively well under the old regime in the USSR and then found themselves driving cabs and waiting on tables and very hungry and very anxious in the years that follow. It is one of the great bipartisan failures of this country for which we all should take responsibility, myself included, that we have not been sufficiently vigilant since the waning days of the Soviet Empire in identifying, corralling, and destroying weapons of mass destruction that were held by the Soviet Union. There are too many of them in too many places. They are too cheap and too portable. We owe thanks to the great work of former Senator Nunn and present Senator LUGAR for giving us the legal authority to solve this problem. We are sadly negligent in not using that legal authority to its greatest extent.

Where else might a terrorist find a small nuclear bomb that could be transported in a container ship to the United States? Mr. Speaker, if we would have asked the Iranian government that question 2 years ago, they would have said not here; we are not in the business of trying to make nuclear bombs, not us. For years, for 23 years, since the installation of the present regime in Tehran, the official party line was that the Iranian government was not interested in the manufacture of a nuclear weapon.

In December of 2002, that all changed. Iranian dissidents who were fortunate to escape the country began talking to intelligence leaders around the world, and they talked with specificity. They talked about centrifuges, fissile materials. They talked about the enrichment of uranium. They talked about a program of plutonium separation that could lead to the manufacture of a nuclear bomb. And enough of them talked to enough people, and enough enlightened people paid attention, that in December of 2002, while our country was fixated upon the very grave question of what to do about Saddam Hussein in Iraq, while we were grappling with many other problems in our own country, in December of 2002, the government of Iran acknowledged that reports that it was building facilities capable of producing the fissile materials that would lead to a nuclear weapon were true. The Iranian government admitted this. After 23 years of deception, the Iranian government admitted that facilities at Iraq and Natanz in Iran were, in fact, facilities which were capable of producing the fissile materials necessary to make a nuclear bomb.

On February 21 of last year, 2003, the leader of the International Atomic Energy Agency, Mr. ElBaradei, visited Iran after extreme international pressure following the Iranian disclosure. On June 6 of 2003, Mr. ElBaradei issued a report saying that the facilities that I mentioned, in particular the Natanz facility, was an advanced uranium enrichment facility capable of performing the steps necessary and essential to the creation of a nuclear bomb. On September 12 of 2003, the International Atomic Energy Agency issued an ultimatum to the Iranians which said by October 31 of last year, Iranians were to prove to the world that they were not working on building nuclear bombs. The clock ticked. The world was not very specific as to what we would do if the Iranians failed to provide that proof, reminiscent of how the world was similarly negligent in dealing with Saddam Hussein for 12 long years.

Finally, on October 21 of 2003, the Iranians invited representatives of the French, German, and British governments to Tehran. They began to negotiate and they worked out a joint communique with the governments of France and Germany and the United Kingdom, which said that the Iranians would permit full inspections, they would suspend their uranium enrichment program, that they would sign international agreements that civilized nations follow with respect to the production of nuclear weapons, and that essentially they would stop trying to build a nuclear weapon. The world reacted with cautious optimism.

The Iranians handed over files and files of documents that described what they had been doing over the course of more than 2 decades in the past. Those documents showed that the Iranians had engaged in a secretive uranium enrichment program over at least a 19-year period for which there could be no plausible explanation other than it was leading to the production of a nuclear bomb. The world was divided as to what to do about this, and the consensus on the International Atomic Energy Agency was that we should criticize the Iranians for what they had done and lied about in the past and then warn them not to do it again. Warnings like the ones we gave to the Taliban repeatedly throughout the 1990s not to cooperate with Osama bin Laden, warnings like we gave to Saddam Hussein repeatedly throughout the 1990s that he was to disengage his weapons programs and to leave his neighbors alone. Warnings.

The warnings have not had the intended effect. Two weeks ago, the latest report from the International Atomic Energy Agency released on February 24 of 2004 found some curious evidence, and that is that the Iranians had agreed to stop their program of uranium enrichment, which is one path to build a nuclear bomb; but another path to build a nuclear bomb is called plutonium separation. Obviously, the

Iranians who signed this agreement got very good legal advice because they learned how to define their way out of the problem because the Iranians did not breach apparently in the last few months their responsibility not to carry out uranium enrichment programs, but they did evidently step up a program that is involved in the separation of plutonium, yet another path to reach the same horrible result. Mr. ElBaradei said Iran is moving in the right direction with respect to this weapons program, that there is reason for optimism, that there are moderate influences beginning to influence the Iranian government. Well, can we afford to take the chance that he is wrong?

International experts suspected for 2 decades that Iran was pursuing the development of a nuclear bomb, but they never knew for sure; and I know that the annals of intelligence estimates are filled with conclusions that the best judgment was that Iran was not marching toward the creation of a nuclear bomb. Those assessments were wrong. If this new set of assessments is wrong, we will find out to our peril what the consequences of that error are.

Is the present leadership of Iran capable of placing a small nuclear bomb on a cargo ship in a container and floating it into the harbor of a major American city? Some would say, no, they are not capable. It would not be in their interest to do so. There would be massive retaliation against them by the United States. Others would say they are imminently capable of such atrocities. The family of Zahara Kazemi I would assume would agree with that proposition. Mr. Ghollam Nikbin I assume would agree with that proposition. Those who sit tonight in Iranian prisons and those who have been executed in Iranian prisons in recent days and weeks, if they were alive, would agree with that proposition.

Should we wait and see? Should it be our policy to take an educated guess and find out? Many intelligence analysts took an educated guess about the Taliban in Afghanistan 10 years ago, 5 years ago, 3 years ago, and here is what their assessment was: the Taliban are terrible people. Osama bin Laden is an awful force in the world. He was behind the bombing of the World Trade Center in 1993. He was behind the attack of the USS *Cole* in the year 2000. He was involved in the Khobar Towers bombing. Something needs to be done. But the assessment about the Taliban's role in this was that it was ludicrous to think that the Taliban government was a threat to the United States.

□ 2100

It is certainly not an imminent threat to the United States. A government that could barely manage its own affairs, a government that was not a threat to its own neighbors militarily, was certainly not a threat to the United States of America.

There would have been those who would stand on this floor 3 years ago and argue passionately that for us to aggressively pursue a policy of regime change in Afghanistan would be a gross overreaction. Why should we worry about a regime as weak as that one? On September 11, 2001, we got our answer. Regimes that harbor terrorists, regimes that have the capability of arming terrorists with nuclear, biological or chemical weapons, regimes that finance and facilitate terrorism, are a threat to the people of the United States of America. These regimes should not be negotiated with, they should not be heeded, they should not be abided. They should be replaced.

Which American tonight would not agree that we would have prospered from regime change in Afghanistan 3 years ago? There is lots of dispute tonight as to whether we are prospering from regime change in Baghdad tonight. I certainly think we are. I think it is one of the reasons that Mu'ammar Qadhafi voluntarily surrendered his nuclear weapons, so he will not wind up living in a spider hole at the end of this year.

I think it is one of the reasons that President Assad in Syria for the first time in his tenure as president is furtively working behind the scenes to open negotiations with the Israelis, so that maybe some day he will expel Hamas and Hizbollah from his countries. I think it is one of the reasons why the Saudi Arabians, after years of culpability in terrorism, years of a ''deal with the devil'' in which they looked the other way when terrorists operated within their country, are now more actively cooperating in the crackdown on those terrorists. And I think it is one of the reasons why the Iranians in December of 2002, on the verge of the United States action against Iraq, decided to come clean about 23 years of lying about the development of a nuclear weapon.

Regime change in Iran should be the policy of the United States of America; not negotiation, not cooperation, regime change. Regime change does not mean military action. Military action is the final step. Military action is the last, and, if necessary, essential step, if necessary, to regime change.

Far more effective to the pursuit of this goal are the diplomatic, economic and moral assets of the United States of America. I am not calling for the use of military force against Iran; I am calling for the concerted, coordinated use of this country's diplomatic, economic force to achieve a regime change in Tehran. I believe it is not only in the interests of human rights, of persecuted citizens of that country, it is in the interests of the national security of the United States of America.

What does regime change mean in Iran? Who is the regime? The answer to this question is not self-evident. Iran is a schizophrenic state. On the surface, it is conducting what appears to be a parliamentary government with what appear to be reasonably free elections with what appears to be something resembling democracy.

These appearances are lethally deceptive. The President of Iran got 77 percent of the vote in the popular election, but I think realistically he has zero percent of the power in that country. Instead, a council of elders, 12 men, 12, have effective control over the military, over the economic institutions of that country, over the meaningful ebb and flow of life in Iran. Even though those 12 have such control, they are wary, they are reluctant to even let the appearance of that control stray too far.

In the last month or so in Iran there were elections scheduled for the national legislative body of that country, and most outside analysts saw those elections as a struggle between the so-called more moderate liberalizing forces of the country and the more conservative cultural forces of that country. 3,600 candidates of the moderate persuasion were removed from the ballot by the council of elders. Twelve people, none of whom were elected, each of whom was appointed through the religious oligarchy of Iran, 12 people used their power to remove 3,600 people from the ballot. 1,000 or so were restored after huge public protests.

But I believe that the only conclusion one can draw from this is that the feeble images of democracy in Iran are only a deceptive image, and not a meaningful reality for that country.

These are foreboding and difficult thoughts, but there is great reason to be optimistic that the regime change that would benefit America is very much on the minds of young men and women, and older men and women, who live under the oppressive yoke of the medieval government of Iran.

So many Iranian Americans are engaged in conversations with their brothers and sisters and mothers and fathers back home. Iranian Americans make a magnificent contribution to this country every day, in our hospitals, in our universities, in our corporations, in our governments, in our military, and these loyal and patriotic Americans, who have had a taste of freedom, a taste of what it means to be respected for your religious differences and not reviled, they have spread the word of this intoxicating freedom to their loved ones back in Iran.

Even though Iran is a place where you can be whipped for dancing at a wedding, even though it is a place where you can be beaten to death in prison for taking a photograph of a peaceful demonstration, it is a place where the rulers still cannot stop the flow of technology. The Internet, the fax machine, the cellular phone, these are the most powerful weapons against tyranny in the history of mankind. And even in a place like Iran, the leaders cannot make themselves impervious to the rush of truth that comes into their country in greater torrents with each passing day.

I think that people in Iran are looking for a signal from the United States of America. They are not looking for weakness or ambiguity or vacillation.

We are students of our own history, and we know that at the time the colonies rebelled against the British, there were many naysayers in America. There were many who said that this was a foolish experiment; that it was reckless for people to pledge their lives and their fortunes and their sacred honor to try to do something better. It was suicidal, it was crazy.

Some were active opponents of the revolution. Others, and these others may have been more dangerous, sat on the fence. They were not sure what signal they should send. They were not sure whether they were ready to fight for their freedom or not.

The United States has sent a powerful signal I think to the world by saying that we are willing to take on, with our allies, the difficult work of introducing that sacred gift of freedom to the people of Iraq. We should not be ambiguous in offering that same gift to the people of Iran.

We should not, we should not, be engaged in any overt military acts, unless intelligence would warrant action to the contrary, specific intelligence. I repeat, I am not calling for a policy of military engagement against the Iranian government. But I am absolutely calling for an expression as clear as a bell that the freedom that we enjoy here, the freedom that we aspire to see the people of Iraq enjoy, is the freedom that we wish to see the people of Iran enjoy, and we will not be fooled or deceived by the false front of a faux democratic government. We will not relent in our opposition to that government's effort to build a nuclear bomb. We will not back down in the face of any international criticism as to the purity and import of this evil.

It would be horribly wrong and horribly prejudicial to leave anyone with the impression that any significant portion of the 1 billion Muslims in this world are dedicated to the eradication of us and our way of life. They are not. It would be horribly wrong and horribly false to leave anyone with the impression that people of the Arab culture and descent or the Persian culture and descent are dedicated to the destruction of our way of life. They are most emphatically not.

I believe that the vast majority of people of the Islamic faith, of the Arab and Persian ethnicities, wish to live in freedom and to celebrate diversity and to join the future, rather than wallowing in the past.

But it is irrefutable that there is a force present in the world, a small but malignant force present in the world, that wishes to do us grave harm, that wishes to destroy our way of life and destroy the chance to spread our way of life to those in all corners of the world who would wish to enjoy it, and that force calls itself radical Islam.

It is a perversion of the Islamic faith. It is a hijacking of that faith of peace. But it is what those who practice this poisonous attitude call themselves. And where they find sanctuary and where they find money and where they find weaponry and where they find personnel and where they find leadership, these are the places that will incubate the next September 11.

There are really two views about terrorism in America, and they are not liberal and conservative, or Republican and Democrat, or military and diplomatic. The two views are these:

Some people view terrorism as a series of essentially unrelated crimes; horrible crimes, but crimes that spring from independent criminals. With the exception of the link between the USS *Cole* bombing and the first World Trade Center and the second one, all of which can be attributed to al Qaeda, proponents of this view would argue that we need to react to each one of these isolated incidents by prosecuting those who committed the offense, shoring up our defenses so it cannot happen again.

The other view of terrorism, which I hold and I believe that history teaches us is the correct view, is that these are not a series of isolated incidents; that we are engaged in a struggle between those who would destroy our way of life and those who would stand by us and protect our way of life.

□ 2115

The most horrific example of that struggle was the one that he experienced in September of 2001. Shame on us if we do not learn from that example. If we draw the lesson that September 11 was about one terrorist organization operating out of one country that on one occasion was able to succeed in a massive terrorist attack against this country, we are misreading history to our great peril.

If instead we understand what happened then differently, if instead we say that the lesson that we learn is that when you give terrorists leadership and personnel and money and weaponry and sanctuary, they will attack. It is not in our interest to make lists of countries that we want to attack. It diminishes our strength. It lessens our standing in the world, and we should not do it. But it is most emphatically in our interest to categorize and understand where the next sanctuary might be.

Everyone in this Chamber wishes that he or she had the foresight to know that Afghanistan was such a sanctuary 3 years ago. We could have avoided a calamity of unspeakable proportions in this country. The issue tonight, Mr. Speaker, is where is the next sanctuary.

I believe that the heroic actions accomplished by American troops and allied troops in Iraq has gone a long way toward removing Iraq as such a sanctuary. I am certain that the heroic efforts of our troops in Afghanistan have essentially removed Afghanistan as such a potential sanctuary.

Tonight our attention should very much be focused on Iran as such a sanctuary. It is a state that is capable of imprisoning and beating innocent people for dancing and taking photographs. It is a state that for 23 years lied about its development of nuclear bombs. It is a state that is either trying to put a good-faith effort forward to stop its weapons program or trying to put the best face on an effort that really is not taking place as the weapons program continues.

The lesson of September 11 is do not take chances on estimates. Act and make sure others cannot act against you.

I believe that this country should engage in three steps immediately. First, we should unambiguously announce that the policy of the United States of America is to encourage regime change in Iran, by which I mean the Council of Elders that runs the country; and by which I mean the replacement of that Council of Elders with a truly representative group of people chosen by the Iranian people.

The second thing we should do is fully enforce the Iran Sanctions Act passed by this Congress a few years ago. We should inventory every trade, aid, economic and regulatory tool at our disposal and use those tools. We should broadcast freedom into Iran more aggressively. We should break down the information barriers and tell young Iranians that we will be on their side if they rise up and fight for freedom. We should encourage the patriotic, law abiding citizens of this country who are of Iranian descent to become actively engaged in encouraging their brothers and sisters in their native land to make the regime change that will benefit them and us.

The third step is that we should seek international cooperation on every level for this effort. It will not be easy. There will be those who will say this is yet another American overreaction, that this is a further policy of American unilateralism. We should never be unilateral. We should always seek the cooperation of allies.

We should also understand the attacks that are launched by terrorists will be unilateral. They will have one target. They will start with the Israelis. They always do. But they will eventually get to the United States of America. We should ask for and actively seek the cooperation of our European and Asian friends in meeting these efforts. Frankly, the actions of the International Atomic Energy Agency have been very helpful in this regard. We should continue those efforts, but we should not make the mistake of assuming that their security risk here is the same as our security risk.

When there is a demonstration sponsored by the medieval elements in a country like Iran, it is not the German flag that they burn. They do not shout death to Germany. They do not destroy likenesses of the Eiffel Tower or Big Ben. They burn the American flag. They smash likenesses of the American Capitol, and they clearly let us know that we are the ones who are in their sights. So be it.

If we understand that we are the targets, then we must understand we have a special responsibility to act. I believe that this is a program for peace. I think the best way to achieve peace is to show those who would disrupt peace that you will not tolerate it. It is peace through strength, and after we have been lied to for 23 years about the creation of a nuclear bomb, a nuclear bomb which could be floated into the harbors of this country and used as a weapon of awful destruction against the people of America, after we have seen the torture against innocent people that takes place in Iran every day and is taking place tonight, I think the stakes are clear. If we are true to our conviction of peace through strength, we will make regime change the policy of the United States of America. Not through violence, not through attack, not through aggression, not through war. We should always reserve the right to act in our defense. But we should always understand that the best way to project our power is through our freedom, our economic might, our diplomatic credibility which sadly needs to be rebuilt in many ways.

It is my objective as a Member of the United States Congress that I will never again have another day like September 12, 2001, when I came to this building not sure whether it was safe to be in, after a sleepless night, and asked myself what I had failed to do to prevent the mayhem that had occurred in my country the day before. I asked myself whether any of the $3 trillion of the taxpayers' money I had voted to spend on intelligence and defense of this country had done us any good the previous day. I never want to live another September 12. I never again want to have to think what we could have done to learn the lessons of terrorism and stop another terrorist attack.

If we take decisive action and, among other things, if we pursue the policy of regime change in Iran, I believe that the likelihood of having another September 12, 2001, will diminish; and more importantly, the likelihood of a catastrophic repeat of September 11, 2001, using a nuclear weapon will diminish greatly.

We owe our country nothing less. We owe the decent people of Iran nothing less; and we owe it to our sense of history to get this very important job done.

Mr. Speaker, I would like to thank Mr. Paul Bauer of my staff who was very instrumental in getting the research done for this effort. And, again, I would like to thank the staff of the House of Representatives for being with us so I would have this opportunity to speak.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for March 2 on account of primary election in the district.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of official business.

Mr. REYES (at the request of Ms. PELOSI) for today on account of official business.

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. DEFAZIO, for 5 minutes, today.

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

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

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

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, March 10.

Mr. BURGESS, for 5 minutes, today.

Mr. CAMP, for 5 minutes, March 10.

Mr. FOLEY, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, March 10.

Mr. BILIRAKIS, for 5 minutes, today and March 4.

Ms. HARRIS, for 5 minutes, today.

Mr. LEWIS of Kentucky, for 5 minutes, today and March 4.

Mr. HENSARLING, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, March 10.

Mr. PETERSON of Pennsylvania, for 5 minutes, March 10.

Mr. OTTER, for 5 minutes, March 10.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. GILCHREST, for 5 minutes, today.

ADJOURNMENT

Mr. ANDREWS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 4, 2004, at 11:30 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2003 and the first quarter of 2004, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. BENJAMIN FALLON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 13 AND JAN. 15, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Benjamin Fallon	1/3	1/15	Dominican Republic		317.65		1,448.90		33.00		1,799.55
Committee total					317.65		1,448.90		33.00		1,799.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BENJAMIN FALLON, Feb. 11, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRAZIL, URUGUAY, ARGENTINA AND CHILE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 3 AND JAN. 13, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Speaker Hastert	1/3	1/6	Brazil		902.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRAZIL, URUGUAY, ARGENTINA AND CHILE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 3 AND JAN. 13, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Pastor	1/3	1/6	Brazil		902.00		(3)				
Hon. Shaw	1/3	1/6	Brazil		902.00		(3)				
Hon. Ballenger	1/3	1/6	Brazil		902.00		(3)				
Hon. Goss	1/3	1/6	Brazil		902.00		(3)				
Hon. Ros-Lehtinen	1/3	1/6	Brazil		902.00		(3)				
Hon. Doolittle	1/3	1/6	Brazil		902.00		(3)				
Hon. Norwood	1/3	1/6	Brazil		902.00		(3)				
Hon. Granger	1/3	1/6	Brazil		902.00		(3)				
Hon. Hart	1/3	1/6	Brazil		902.00		(3)				
Hon. Putnam	1/3	1/6	Brazil		902.00		(3)				
Hon. Wilson Livingood	1/3	1/6	Brazil		902.00		(3)				
RADM Eisold	1/3	1/6	Brazil		902.00		(3)				
Scott Palmer	1/3	1/6	Brazil		902.00		(3)				
Ted Van Der Meid	1/3	1/6	Brazil		902.00		(3)				
Seth Webb	1/3	1/6	Brazil		902.00		(3)				
Chris Walker	1/3	1/6	Brazil		902.00		(3)				
Sam Lancaster	1/3	1/6	Brazil		902.00		(3)				
Margaret Peterlin	1/3	1/6	Brazil		902.00		(3)				
Dwight Comedy	1/3	1/6	Brazil		902.00		(3)				
Speaker Hastert	1/6	1/7	Uruguay		243.00		(3)				
Hon. Pastor	1/6	1/7	Uruguay		243.00		(3)				
Hon. Shaw	1/6	1/7	Uruguay		243.00		(3)				
Hon. Ballenger	1/6	1/7	Uruguay		243.00		(3)				
Hon. Gross	1/6	1/7	Uruguay		243.00		(3)				
Hon. Ros-Lehtinen	1/6	1/7	Uruguay		243.00		3,126.08				
Hon. Doolittle	1/6	1/7	Uruguay		243.00		(3)				
Hon. Norwood	1/6	1/7	Uruguay		243.00		(3)				
Hon. Granger	1/6	1/7	Uruguay		243.00		(3)				
Hon. Hart	1/6	1/7	Uruguay		243.00		(3)				
Hon. Putnam	1/6	1/7	Uruguay		243.00		(3)				
Hon. Wilson Livingood	1/6	1/7	Uruguay		243.00		(3)				
RADM Eisold	1/6	1/7	Uruguay		243.00		(3)				
Scott Palmer	1/6	1/7	Uruguay		243.00		(3)				
Ted Van Der Meid	1/6	1/7	Uruguay		243.00		(3)				
Seth Webb	1/6	1/7	Uruguay		243.00		(3)				
Chris Walker	1/6	1/7	Uruguay		243.00		(3)				
Sam Lancaster	1/6	1/7	Uruguay		243.00		(3)				
Margaret Peterlin	1/6	1/7	Uruguay		243.00		(3)				
Dwight Comedy	1/6	1/7	Uruguay		243.00		(3)				
Speaker Hastert	1/7	1/11	Argentina		413.89		(3)				
Hon. Pastor	1/7	1/11	Argentina		413.89		(3)				
Hon. Shaw	1/7	1/11	Argentina		413.89		(3)				
Hon. Ballenger	1/7	1/11	Argentina		413.89		(3)				
Hon. Goss	1/7	1/11	Argentina		413.89		(3)				
Hon. Doolittle	1/7	1/11	Argentina		413.89		(3)				
Hon. Norwood	1/7	1/11	Argentina		413.89		(3)				
Hon. Granger	1/7	1/11	Argentina		413.89		(3)				
Hon. Hart	1/7	1/11	Argentina		413.89		(3)				
Hon. Putnam	1/7	1/11	Argentina		413.89		(3)				
Hon. Wilson Livingood	1/7	1/11	Argentina		413.89		(3)				
RADM Eisold	1/7	1/11	Argentina		413.89		(3)				
Hon. Scott Palmer	1/7	1/11	Argentina		413.89		(3)				
Hon. Ted Van Der Meid	1/7	1/11	Argentina		413.89		(3)				
Seth Webb	1/7	1/11	Argentina		413.89		(3)				
Chris Waller	1/7	1/11	Argentina		413.89		(3)				
Sam Lancaster	1/7	1/11	Argentina		413.89		(3)				
Margaret Peterlin	1/7	1/11	Argentina		413.89		(3)				
Dwight Comedy	1/7	1/11	Argentina		413.89		(3)				
Speaker Hastert	1/11	1/13	Chile		548.00		(3)				
Hon. Pastor	1/11	1/13	Chile		548.00		(3)				
Hon. Shaw	1/11	1/13	Chile		548.00		(3)				
Hon. Ballenger	1/11	1/13	Chile		548.00		(3)				
Hon. Goss	1/11	1/13	Chile		548.00		(3)				
Hon. Doolittle	1/11	1/13	Chile		548.00		(3)				
Hon. Norwood	1/11	1/13	Chile		548.00		(3)				
Hon. Granger	1/11	1/13	Chile		548.00		(3)				
Hon. Hart	1/11	1/13	Chile		548.00		(3)				
Hon. Putnam	1/11	1/13	Chile		548.00		(3)				
Hon. Wilson Livingood	1/11	1/13	Chile		548.00		(3)				
RADM Eisold	1/11	1/13	Chile		548.00		(3)				
Scott Palmer	1/11	1/13	Chile		548.00		(3)				
Ted Van Der Meid	1/11	1/13	Chile		548.00		(3)				
Seth Webb	1/11	1/13	Chile		548.00		(3)				
Chris Walker	1/11	1/13	Chile		548.00		(3)				
Sam Lancaster	1/11	1/13	Chile		548.00		(3)				
Margaret Peterlin	1/11	1/13	Chile		548.00		(3)				
Dwight Comedy	1/11	1/13	Chile		548.00		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Speaker of the House, Feb. 13, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael Castle	10/6	10/12	Iraq		1,167.00		(3)				1,167.00
Hon. Ron Kind	10/6	10/12	Iraq		1,167.00		(3)				1,167.00
Committee total					2,334.00						2,334.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN BOEHNER; Chairman, Feb. 17, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Fred Upton	12/10	12/13	Italy		537.00		(3)				537.00
	10/6	10/10	Iraq/Kuwait		1,167.00		(3)				1,167.00
Hon. Greg Walden	10/6	10/10	Iraq/Kuwait		1,167.00		(3)				1,167.00
Hon. Jim Davis	10/6	10/10	Iraq/Kuwait		1,167.00		(3)				1,167.00
Hon. James Greenwood	12/10	12/11	Italy		537.00		3,541.04				4,078.04
Robert Rainey	12/6	12/13	Italy		1,253.00		5,431.44				6,684.44
Robert Meyers	12/6	12/14	Italy		1,074.00		5,616.22				6,690.22
Sue Sheridan	12/6	12/13	Italy		1,253.00		5,444.44				6,697.44
Michael Goo	12/6	12/13	Italy		1,253.00		5,444.44				6,697.44
Hon. Cliff Stearns	11/29	12/2	Hong Kong		1,233.00		(3)				1,233.00
	12/2	12/3	Thailand		456.00		(3)				456.00
	12/3	12/6	Korea		417.00		5,748.77				6,165.77
Committee total					11,514.00		31,226.35				42,740.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILLY TAUZIN, Chairman, Feb. 16, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Tim Murphy	11/8	11/10	Jordan		476.00						
	11/10	11/11	Syria		262.75						
	11/11	11/12	Germany		241.00						
Chris Cannon	12/9	12/12	Italy		712.00						
Alexandria Teitz	12/8	12/13	Italy		1,545.00		662.44				
Greg Dotson	12/8	12/13	Italy		1,525.00		662.44				
Christopher Shays	12/9	12/12	Italy		712.00						
R. Nicholas Palarino	12/1	12/3	Austria		636.00		4,872.70				
	12/3	12/7	Jordan		916.00						
Christopher Shays	12/1	12/3	Austria		636.00		4,872.70				
	12/3	12/7	Jordan		916.00						
Committee total					8,577.75		11,070.28				19,648.03

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, Feb. 10, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Steve King	10/18	10/19	Kuwait/Iraq		389.00						389.00
Hon. F. James Sensenbrenner	12/14	12/17	Mexico		1,014.00		550.89				1,564.89
Philip J. Kiko	12/14	12/17	Mexico		1,014.00		550.89				1,564.89
Committee total					2,417.00		1,101.78				3,518.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, JR., Chairman, Feb. 4, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Steve Pearce	10/30	11/2	Kuwait		1,556.00		(3)				1,556.00
	11/3	11/4	Germany		157.00		(3)				157.00
Chris Foster	11/6	11/18	Palau		1,246.04		6,038.26				7,284.30
Tony Babauta	11/6	11/18	Palau		1,092.39		6,396.26				7,488.65
Bonnie Bruce	11/16	11/22	Ireland		2,170.00		5,231.90				7,401.90
Hon. Wayne Gilchrest	11/16	11/18	Ireland		434.00		5,079.00				5,513.00
Steve Ding	11/16	11/22	Ireland		2,170.00		5,383.77				7,553.77
Todd Willens	11/16	11/22	Ireland		2,170.00		5,388.35				7,558.35
Catherine Ware	11/16	11/24	Ireland		2,604.00		1,451.77				4,055.77
Hon. George Miller	11/24	11/28	France		1,242.00		7,194.74				8,436.74
Committee total											57,005.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

RICHARD POMBO, Chairman, Feb. 11, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Martin Frost	12/20	12/22	Kuwait		800.00		(3)				800.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/21	12/22	Iraq				(3)				
	12/22	12/23	Germany		200.00		(3)				200.00
Committee total					1,000.00						1,000.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID DREIER, Chairman, Feb. 5, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kevin Carroll	12/6	12/13	Italy		1,074.00		5,564.94				6,638.94
Kathryn Clay	11/30	12/13	Italy		980.00		1,089.18				2,069.18
Committee total					2,054.00		6,654.12				8,708.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD BOEHLERT, Chairman, Feb. 9, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bryan Davis	10/22	10/25	Milan, Italy	1,073.00			5,614.83			1,073.00	5,614.83
Hon. W. Todd Akin	10/30	11/2	Iraq		1,556.00	[3] 522.00					1,034.00
Hon. Ed Case	10/30	11/2	Iraq		1,556.00	[3] 43.00					1,013.00
Hon. Thaddeus McCotter	10/30	11/2	Iraq		1,556.00	[3] 494.00					1,062.00
Thomas Bezas	10/30	11/2	Iraq		1,556.00	[3] 453.00					1,103.00
Hon. W. Todd Akin	11/3	11/4	Germany		157.00	[3] 157.00					
Hon. Ed Case	11/3	11/4	Germany		157.00	[3] 134.00					23.00
Hon. Thaddeus McCotter	11/3	11/4	Germany		157.00	[3] 157.00					
Thomas Bezas	11/3	11/4	Germany		157.00	[3] 157.00					
Hon. Anibal Acevedo-Vila	11/25	11/28	Jordan	674.00	952.00		(4)			674.00	952.00
Matthew Szymanski	12/15	12/22	China		1,346.00	[3] 362.00	6,515.47				7,499.47
Ian Deason	12/15	12/22	China		1,346.00	[3] 853.00	6,515.47				7,368.47
Thomas Bezas	12/15	12/22	China		1,346.00	[3] 574.00	6,515.47				7,282.47
Committee total											32,929.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Returned.
[4] Military air transportation.

DONALD A. MANZULLO, Chairman, Feb. 11, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Wayne Gilchrest	10/6	10/10	Kuwait		1,167.00		(3)				1,167.00
Robert Faber	11/17	11/20	Greece		1,360.00		3,747.45		944.00		6,051.45
Derek Miller	11/17	11/20	Greece		1,360.00		3,661.24		944.00		5,965.24
Anastasia Soumbenistis	11/17	11/20	Greece		1,360.00		3,698.70		944.00		6,002.70
Hon. Mario Diaz-Balart	11/24	11/28	Kuwait		952.00		(3)				952.00
Hon. John Duncan	11/29	12/2	China		1,233.00		5,715.53				7,821.53
	12/2	12/3	Thailand		456.00						
	12/4	12/6	Korea		417.00						
Hon. Jerry Costello	11/29	12/2	China		1,233.00		5,625.27				7,731.27
	12/2	12/3	Thailand		456.00						
	12/4	12/6	Korea		417.00						
Hon. Eddie Bernice Johnson	11/29	12/2	China		1,233.00		5,638.27				7,744.27
	12/2	12/3	Thailand		456.00						
	12/4	12/6	Korea		417.00						
Hon. John Boozman	11/29	12/2	China		1,233.00		6,007.27				8,113.27
	12/2	12/3	Thailand		456.00						
	12/4	12/6	Korea		417.00						
Lloyd Jones	11/29	12/2	China		1,233.00		4,899.27				7,005.27
	12/2	12/3	Thailand		456.00						
	12/4	12/6	Korea		417.00						
David Heymsfeld	11/29	12/2	China		1,233.00		4,899.27				7,005.27
	12/2	12/3	Thailand		456.00						
	12/4	12/6	Korea		417.00						
Jimmy Miller	11/29	12/2	China		1,233.00		4,899.27				7,005.27
	12/2	12/3	Thailand		456.00						
	12/4	12/6	Korea		417.00						
Giles Giovinazzi	12/7	12/10	Belgium		702.00		6,953.52				7,655.52
Adam Tsao	12/7	12/10	Belgium		702.00		6,953.52				7,655.52
Hon. Bill Shuster	12/18	12/20	Germany		482.00		6,385.92				6,867.92
Hon. Tim Holden	12/18	12/20	Germany		482.00		6,385.92				6,867.92
Hon. Jim Gerlach	12/18	12/20	Germany		482.00		6,385.92				6,867.92
Committee total					23,791.00		81,856.34		2,832.00		108,479.34

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DON YOUNG, Chairman, Feb. 9, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Christopher Cox	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/10	12/16	Turkey		276.00		1,467.00				3,652.00
Hon. Jennifer Dunn	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/16	Turkey		276.00		1,467.00				3,652.00
Hon. Ernest Istook	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/16	Turkey		276.00		1,467.00				3,652.00
Hon. Loretta Sanchez	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/16	Turkey		276.00		1,467.00				3,652.00
Hon. Bob Etheridge	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/16	Turkey		276.00		1,467.00				3,652.00
Hon. Ken Lucas	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/16	Turkey		276.00		1,467.00				3,652.00
Hon. Sheila Jackson-Lee	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		1,194.00				3,103.00
Margaret Peterlin	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/16	Turkey		276.00		1,467.00				3,652.00
David Schanzer	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/16	Turkey		276.00		1,467.00				3,652.00
Julie Sund	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/16	Turkey		276.00		1,467.00				3,652.00
Elizabeth Tobias	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		992.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/16	Turkey		276.00		1,467.00				3,652.00
John Gannon	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/17	Turkey		552.00		499.72				2,960.72
Steve DeVine	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				
	12/15	12/18	Turkey		828.00		(3)				3,045.00
	12/18	12/19	Ireland		308.00		(3)				
Camille Camacho	12/10	12/11	Spain		357.00		(3)				
	12/11	12/13	Italy		922.00		(3)				
	12/13	12/14	Syria		268.00		(3)				
	12/14	12/15	Israel		362.00		(3)				3,045.00
	12/15	12/18	Turkey		828.00		(3)				
	12/18	12/19	Ireland		308.00		(3)				
Hon. Sheila Jackson-Lee	11/15	11/17	Kuwait		804.00		(3)				804.00
Committee total					33,114.00		16,636.72				49,477.72

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

CHRISTOPHER COX, Chairman, Feb. 5, 2004.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6931. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Approval of Brigadier General Lloyd J. Austin III to wear the insignia of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6932. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Approval of Major General Thomas L. Baptiste, United States Air Force, to wear the insignia of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6933. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Approval of Major General John M. Curran, United States Army, to wear the insignia of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6934. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Fiscal Years 1999-2001 Family Violence Prevention and Services Act Program, pursuant to 42 U.S.C. 10405; to the Committee on Education and the Workforce.

6935. A letter from the Secretary, Department of Health and Human Services, transmitting the 2003 annual report entitled,

''Clinical Preventive Services for Older Americans,'' based on the work of the U.S. Preventive Services Task Force (USPSTF), pursuant to Public Law 106–554, section 126; to the Committee on Energy and Commerce.

6936. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed extension of the license for the export of major defense equipment and defense articles to Russia, Ukraine, and Norway (Transmittal No. DDTC 015-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6937. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed extension of the license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 017-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6938. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed extension of the license for the export of major defense equipment and defense articles to Russia and Kazakhstan (Transmittal No. DDTC 016-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6939. A communication from the President of the United States, transmitting an additional report, consistent with the War Powers Resoultion, to help ensure that the Congress is kept fully informed on U.S. military activities in Haiti, pursuant to Public Law 93–148; (H. Doc. No. 108–167); to the Committee on International Relations and ordered to be printed.

6940. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a report in accordance with Section 25(a)(6) of the Arms Export Control Act (AECA), describing and analyzing services performed during FY 2003 by full-time USG employees who are performing services for which reimbursement is provided under Section 21(a) or Section 43(b) of the AECA; to the Committee on International Relations.

6941. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, the final six-month periodic report on the national emergency declared with respect to Sierra Leone in Executive Order 13194 of January 18, 2001, and expanded in scope with respect to Liberia by Executive Order 13213 of May 22, 2001; to the Committee on International Relations.

6942. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting on behalf of the President, the report, ''President Bush's Emergency Plan for AIDS Relief: U.S. Five-Year Global HIV/AIDS Strategy,'' pursuant to Public Law 108–25; to the Committee on International Relations.

6943. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–384, ''Tobacco Product Manufacturer Reserve Fund Complementary Procedures Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6944. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-385, ''Consolidated of Financial Services Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6945. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-386, ''Captive Insurance Company Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6946. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-350, ''Owner-Occupant Residential Tax Credit and Exemption Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6947. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-366, ''Revised Closing of a Portion of a Public Alley in Square 209, S.O. 02-1019, Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6948. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-351, ''December Use of the Cash Reserve Funds Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6949. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-352, ''Real Property Disposition Economic Analysis Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6950. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-353, ''District of Columbia Emancipation Day Parade and Fund Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6951. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-360, ''Kings Court Community Garden Equitable Real Property Tax Relief Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6952. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-361, ''District of Columbia Public Schools Use of the Budget Reserve Funds Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6953. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-367, ''District of Columbia Auditor Subpoena and Oath Authority Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6954. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-362, ''Used Car Dealership License Moratorium Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6955. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-368, ''Metropolitan Police Department Educational Requirement Clarification Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6956. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-363, ''Crispis Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6957. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-370, ''Real Property Classification Clarification Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6958. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-383, ''Health Services Planning and Development Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6959. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-364, ''Sexual Minority Youth Assistance League Equitable Real Property Tax Relief Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6960. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-365, ''Dedication and Designation of Streets and an Alley in Squares 878, S.O.95-251, Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6961. A letter from the Chairman, Broadcasting Board Of Governors, transmitting the Annual Program Performance Report on the FY 2003 Performance Plan, pursuant to the Government Performance and Results Act of 1993 (GPRA); to the Committee on Government Reform.

6962. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2003 (Financial Report), pursuant to 31 U.S.C. 331(e)(1); to the Committee on Government Reform.

6963. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6964. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6965. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's FY 2003 Performance Report, pursuant to Public Law 103–62; to the Committee on Government Reform.

6966. A letter from the Chairman, International Trade Commission, transmitting pursuant to the Government Performance and Results Act (Pub. L. 103–62), the Commission's Performance Report for FY 2003; to the Committee on Government Reform.

6967. A letter from the Director, Office of Personnel Management, transmitting a report on the Federal Activities Inventory Reform Act Inventory as of June 30, 2003; to the Committee on Government Reform.

6968. A letter from the Architect of the Capitol, transmitting a report discussing the AOC's activities to improve worker safety during the fourth quarter of FY03, pursuant to the directives issued in the 107th Congress First Session, House of Representatives Report Number 107-169; to the Committee on House Administration.

6969. A letter from the Secretary, Department of the Interior, transmitting a draft bill entitled ''To redesignate Fort Clatsop National Memorial as the Lewis and Clark National Park, to include sites in the State of Washington as well as the State of Oregon, and for other purposes''; to the Committee on Resources.

6970. A letter from the Commissioner, Financial Management Service, Department of the Treasury, transmitting FY 2003 Report to the Congress entitled ''U.S. Government Receivables and Debt Collection Activities of Federal Agencies,'' pursuant to 31 U.S.C. 3716(c)(3)(B); to the Committee on the Judiciary.

6971. A letter from the Chief Scout Executive and President, Boy Scouts of America, transmitting the Boy Scouts of America's

2003 Report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

6972. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Calverton, NY [Docket No. FAA-2003-16415; Airspace Docket No. 03-AEA-16] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6973. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mapleton, IA. [Docket No. FAA-2003-16496; Airspace Docket No. 03-ACE-80] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6974. A letter from the Program Analyst. FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Augusta, GA [Docket No. FAA-2003-15124; Airspace Docket No. 03-ASO-5] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6975. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Maryville, MO. [Docket No. FAA-2003-15720; Airspace Docket No. 03-ACE-62] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6976. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Milford, IA. [Docket No. FAA-2003-16497; Airspace Docket No. 03-ACE-81] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6977. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mapleton, IA. [Docket No. FAA-2003-16496; Airspace Docket No. 03-ACE-80] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6978. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Columbus, MS [Docket No. FFAA-2003-15532; Airspace Docket No. 03-ASO-10] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6979. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Prohibition Against Certain Flights Within the Territory and Airspace of Iraq [Docket No. FAA-2003-14766; SFAR No. 77] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6980. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Specialist Federal Aviation Regulation No. 36, Development of Major Repair Data [Docket No. FAA-2003-16527; Amendment No. SFAR 36-8] (RIN: 2120-AI09) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6981. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Repair Stations: Service Difficulty Reporting [Docket No. FAA-2003-16772; Amendment No. 22] (RIN: 2120-AI07) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6982. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2, A300 B4, A300 B4-600, A300 B4-600R, A300 F4-600R, A310, A330, and A340 Series Airplanes [Docket No. 2001-NM-154-AD; Amendment 39-13220; AD 2003-14-01] (RIN: 2120-AA64) received Febuary 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6983. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701) and CL-600-2D24 (Regional Jet Series 900) Series Airplanes [Docket No. 2003-NM-209-AD; Amendment 39-13353; AD 2003-19-51] (RIN: 1220-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6984. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, L, L1, and L2 Helicopters [Docket No. 2001-SW-07-AD; Amendment 39-13371; AD 2003-24-02] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6985. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnel Douglas Model MD-11 Airplanes [Docket No. 2001-NM-57-AD; Amendment 39-13340; AD 2003-21-05] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6986. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines [Docket No. 2002-NE-15-AD; Amendment 39-13131; AD 2003-09-02] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6987. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365N, N1, AS-365N2, and AS 365 N3 Helicopters [Docket No. 2003-SW-09-AD; Amendment 39-13363; AD 2003-22-15] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6988. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-22B, RB211-524, and RB211-535 Series Turbofan Engines [Docket No. 2001-NE-13-AD; Amendment 39-13435; AD 2004-01-21] (RIN: 2120-AA64) received Febuary 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6989. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2003-NM-55-AD; Amendment 39-13429; AD 2004-01-15] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6990. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 441 and F406 Airplanes [Docket No. 2002-CE-18-AD; Amendment 39-13406; AD 2003-09-09 R1] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6991. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Independance, IA. [Docket No. FAA-2003-16746; Airspace Docket No. 03-ACE-90] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6992. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Hutchinson, KS. [Docket No. FAA-2003-16410; Airspace Docket No. 03-ACE-79] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6993. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clay Center, KS. [Docket No. FAA-2003-16759; Airspace Docket No. 03-ACE-96] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6994. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Colby, KS. [Docket No. FAA-2003-16760; Airspace Docket No. 03-ACE-97] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6995. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chanute, KS. [Docket No. FAA-2003-16757; Airspace Docket No. 03-ACE-95] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6996. A letter from the Administrator, Office of Management and Budget, transmitting the annual report on the Federal Government's use of voluntary consensus standards, pursuant to Public Law 104–113, section 12(d)(3) (110 Stat. 783); to the Committee on Science.

6997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Federal Equal Opportunity Recruitment Program (FEORP) Accomplishment Report and the Disabled Veteran's Affirmative Action Program (DVAAP) Report for the period of September 30, 2002 to September 30, 2003, pursuant to 22 U.S.C. 3905(d)(2); jointly to the Committees on International Relations and Government Reform.

6998. A letter from the Administrator, FAA, Department of Transportation, transmitting an additional copy of the ''Federal Aviation Administration and National Air Traffic Controllers Association Collective Bargaining Impasse Submission to Congress,'' pursuant to 49 U.S.C. 40122(a); jointly to the Committees on Transportation and Infrastructure and Government Reform.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of March 2, 2004]

H.R. 2802. Referral to the Committee on Government Reform extended for a period ending not later than March 8, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska:

H.R. 3879. A bill to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TOM DAVIS of Virginia (for himself and Mr. WAXMAN):

H.R. 3880. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale of prescription drugs through the Internet; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. HOLDEN, Mr. INSLEE, Mr. RANGEL, Mr. LEVIN, Mr. MATSUI, Mr. STARK, Mr. CARDIN, Mr. MCDERMOTT, Mr. MCNULTY, Mr. BECERRA, Mrs. JONES of Ohio, Mr. SPRATT, Mr. GEORGE MILLER of California, Mr. DICKS, Mr. BAIRD, Mr. LARSEN of Washington, and Ms. SLAUGHTER):

H.R. 3881. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the service sector, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 3882. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain truck cargo on a ferry operating between two ports for the sole purpose of bypassing traffic congestion on the nearest international bridge serving the area in which such ports are located; to the Committee on Ways and Means.

By Mr. GILCHREST:

H.R. 3883. A bill to reauthorize the Atlantic Striped Bass Conservation Act; to the Committee on Resources.

By Mr. GONZALEZ:

H.R. 3884. A bill to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the ''Hipolito F. Garcia Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA:

H.R. 3885. A bill to direct the Commandant of the Coast Guard to convey a Coast Guard 44-foot Motor Life Boat to the city of Ludington, Michigan; to the Committee on Transportation and Infrastructure.

By Mr. NEUGEBAUER:

H.R. 3886. A bill to amend the Food Security Act of 1985 to expand the pilot program for the enrollment of certain wetlands and its buffer acreage in the conservation reserve program to include the enrollment of certain playas and its buffer acreage, and for other purposes; to the Committee on Agriculture.

By Mr. RODRIGUEZ (for himself, Ms. ROYBAL-ALLARD, Ms. JACKSON-LEE of Texas, Ms. LOFGREN, Mrs. TAUSCHER, Mrs. CHRISTENSEN, Mr. ENGEL, Mr. ABERCROMBIE, Mr. DOGGETT, Mr. HOLDEN, Mr. WAXMAN, Mr. GREENWOOD, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. GREEN of Texas, Mr. FROST, Mr. MCNULTY, Mr. ORTIZ, Mr. KILDEE, Mr. TOWNS, and Ms. NORTON):

H.R. 3887. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. MICA, Mr. TAYLOR of Mississippi, Mr. PAUL, Ms. KAPTUR, Mr. GOODE, Mr. DEFAZIO, Mr. MICHAUD, Mr. OWENS, Mr. SERRANO, Mr. GRIJALVA, Ms. KILPATRICK, Ms. WOOLSEY, Mr. HOLDEN, Mr. BOUCHER, Mr. KUCINICH, Mr. STUPAK, Ms. SLAUGHTER, Mr. MCINTYRE, Mr. BROWN of Ohio, Mr. OLVER, Mr. STARK, Mr. PALLONE, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, Mr. NADLER, Mr. EVANS, Mr. WEXLER, Mr. GREEN of Texas, Ms. MILLENDER-MCDONALD, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. LIPINSKI, Mr. PETERSON of Minnesota, Mr. ABERCROMBIE, Mr. KILDEE, Mr. CONYERS, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. STRICKLAND, Mr. WYNN, Mr. TIERNEY, Mr. HASTINGS of Florida, Ms. LEE, Ms. SOLIS, Mr. UDALL of New Mexico, Mr. VISCLOSKY, and Mr. PASCRELL):

H.R. 3888. A bill to prohibit business enterprises that lay-off a greater percentage of their United States workers than workers in other countries from receiving any Federal assistance, and for other purposes; to the Committee on Government Reform.

By Mr. WOLF:

H.R. 3889. A bill to transfer certain functions from the United States Trade Representative to the Secretary of Commerce; to the Committee on Ways and Means.

By Mr. UDALL of Colorado (for himself, Mr. BARTLETT of Maryland, Mr. GORDON, Mr. MCDERMOTT, Mr. HOYER, Mr. AKIN, Mr. LAMPSON, and Mr. RUPPERSBERGER):

H. Res. 550. A resolution expressing the sense of the House of Representatives relating to the extraordinary contributions resulting from the Hubble Space Telescope to scientific research and education, and to the need to reconsider future service missions to the Hubble Space Telescope; to the Committee on Science.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. BISHOP of Utah, Mrs. KELLY, and Mr. LAHOOD.
H.R. 290: Mrs. NAPOLITANO.
H.R. 339: Mr. TERRY.
H.R. 432: Mr. ENGEL.
H.R. 545: Mr. ISAKSON.
H.R. 577: Mr. BISHOP of Georgia and Mr. STRICKLAND.
H.R. 594: Mr. MURTHA and Mr. WOLF.
H.R. 677: Mr. THOMPSON of California
H.R. 685: Mrs. NAPOLITANO.
H.R. 716: Mr. CUNNINGHAM and Mr. MCDERMOTT.
H.R. 717: Mr. WU.
H.R. 727: Mr. GONZALEZ.
H.R. 745: Mr. BLUMENAUER.
H.R. 857: Mr. MOORE.
H.R. 918: Mr. HALL and Mr. MARSHALL.
H.R. 973: Mr. ENGLISH and Mr. WALSH.
H.R. 976: Mr. GONZALEZ.
H.R. 1064: Mr. TOWNS, Mr. OWENS, and Mr. ANDREWS.
H.R. 1160: Mr. ACKERMAN.
H.R. 1179: Mr. GREEN of Wisconsin.
H.R. 1214: Mr. ACKERMAN and Ms. HART.
H.R. 1336: Mr. WYNN, Mr. BROWN of South Carolina, Mr. HOEFFEL, Mr. BELL, Mr. COOPER, and Mr. MATHESON.
H.R. 1372: Mr. BACHUS.
H.R. 1532: Ms. MCCARTHY of Missouri and Mr. CLYBURN.
H.R. 1563: Mr. ETHERIDGE.
H.R. 1582: Mr. TURNER of Texas.
H.R. 1613: Mr. LIPINSKI, Mr. HINOJOSA, and Mr. WEXLER.
H.R. 1655: Mr. DEAL of Georgia.
H.R. 1676: Mr. BAIRD and Mr. BOUCHER.
H.R. 1716: Mr. RENZI.
H.R. 1738: Mr. ENGEL.
H.R. 1755: Mr. ROGERS of Kentucky.
H.R. 1769: Mr. TIERNEY, Mr. MCGOVERN, Mr. STUPAK, Mr. KUCINICH, Mr. ISRAEL, Mr. RUSH, Mr. STRICKLAND, Mr. OBERSTAR, Mr. ALLEN, and Ms. WOOLSEY.
H.R. 1863: Mr. RUPPERSBERGER and Mr. MCGOVERN.
H.R. 1873: Ms. KAPTUR.
H.R. 1874: Mr. COOPER.
H.R. 1930: Mr. LYNCH.
H.R. 2011: Mr. BISHOP of Georgia.
H.R. 2037: Mr. CONYERS.
H.R. 2068: Mr. PALLONE, Ms. MCCARTHY of Missouri, Mr. DICKS, Mr. LAMPSON, Ms. SLAUGHTER, Mr. PASCRELL, and Mr. SERRANO.
H.R. 2173: Mr. CLAY, Mr. FATTAH, and Ms. CORRINE BROWN of Florida.
H.R. 2176: Mr. GREEN of Texas.
H.R. 2201: Mr. KIND, Mr. JACKSON of Illinois, Mr. DEFAZIO, Mr. BACA, Mr. FROST, Mr. RODRIGUEZ, Ms. LEE, Mr. RANGEL, Mr. MCGOVERN, Mr. FALEOMAVAEGA, and Mr. CASE.
H.R. 2215: Mr. NADLER, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. ANDREWS, and Mr. FROST.
H.R. 2233: Mr. MCGOVERN.
H.R. 2298: Mr. GONZALEZ.
H.R. 2318: Ms. MAJETTE.
H.R. 2426: Mr. BRADY of Pennsylvania.
H.R. 2437: Ms. SCHAKOWSKY.
H.R. 2490: Mr. SERRANO.
H.R. 2625: Mr. TURNER of Texas.
H.R. 2743: Mr. FORBES, Mr. PUTNAM, Mrs. CAPITO, and Mr. GILLMOR.
H.R. 2768: Mr. BASS.
H.R. 2821: Mrs. NAPOLITANO and Ms. MCCOLLUM.
H.R. 2823: Mr. BOUCHER and Mr. HOSTETTLER.
H.R. 2824: Mr. MILLER of Florida and Mr. WAXMAN.
H.R. 2863: Mr. PAYNE.
H.R. 2864: Mr. HENSARLING.
H.R. 2900: Mrs. BONO.
H.R. 2928: Mr. HOEKSTRA, Mr. FILNER, and Mr. CHOCOLA.
H.R. 2932: Mr. HINCHEY and Ms. ROYBAL-ALLARD.
H.R. 2967: Mr. SAXTON and Mr. WHITFIELD.
H.R. 2997: Mr. BRADY of Pennsylvania, Ms. KAPTUR, and Mr. CRAMER.
H.R. 3042: Mr. SAM JOHNSON of Texas.
H.R. 3049: Mr. KUCINICH and Mr. RUSH.
H.R. 3103: Mr. MCINTYRE and Ms. DELAURO.
H.R. 3115: Mr. BEREUTER.
H.R. 3204: Mr. WEXLER and Mr. PALONE.
H.R. 3213: Mr. CALVERT, Mr. CULBERSON, and Mr. BONNER.
H.R. 3243: Mr. BOEHLERT and Mr. SNYDER.
H.R. 3355: Mr. PAYNE.
H.R. 3361: Mr. WAXMAN, Mr. OLVER, and Mr. PLATTS.
H.R. 3362: Mr. BISHOP of Georgia.
H.R. 3370: Mr. ANDREWS, Mr. PALLONE, Mr. LANGEVIN, Mr. ISRAEL, Mr. BOEHLERT, Mr. ACKERMAN, Mr. NADLER, Mr. HOUGHTON, and Mr. OBERSTAR.
H.R. 3403: Mr. ISAKSON.
H.R. 3416: Mr. PASTOR, Mr. ISRAEL, Mr. JEFFERSON, and Mrs. NAPOLITANO.

H.R. 3425: Mr. STARK.

H.R. 3441: Mr. ISRAEL, Mr. BACHUS, Ms. ROS-LEHTINEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDLIN, Mr. SIMMONS, Mr. ROHRABACHER, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. VISCLOSKY, Mr. FROST, and Mr. LEACH.

H.R. 3473: Ms. MCCARTHY of Missouri, Mr. HAYWORTH, Mr. MCDERMOTT, Mr. CARDOZA, and Mr. FATTAH.

H.R. 3482: Mr. GORDON.

H.R. 3507: Mrs. TAUSCHER, Ms. LINDA T. SANCHEZ of California, and Ms. ESHOO.

H.R. 3519: Mr. BROWN of Ohio, Mr. NADLER, Ms. SCHAKOWSKY, Mr. MARKEY, and Mr. LANTOS.

H.R. 3574: Mr. CRANE, Mr. ISRAEL, Mr. RYUN of Kansas, Mr. ISSA, Ms. GINNY BROWN-WAITE of Florida, Ms. MCCARTHY of Missouri, and Mr. MEEHAN.

H.R. 3658: Mr. SPRATT and Mrs. KELLY.

H.R. 3676: Mr. PALLONE and Mr. WYNN.

H.R. 3678: Mr. DAVIS of Illinois and Mrs. DAVIS of California.

H.R. 3707: Ms. GINNY BROWN-WAITE of Florida, Mr. EDWARDS, Mrs. NAPOLITANO, Mr. SANDLIN, Mr. GOODLATTE, Mr. RUPPERSBERGER, Mr. CHANDLER, Mr. NEAL of Massachusetts, and Ms. SCHAKOWSKY.

H.R. 3712: Mr. MCNULTY, Mr. WEXLER, Mr. NADLER, Ms. ROYBAL-ALLARD, Mr. TOWNS, Mrs. MCCARTHY of New York, and Ms. NORTON.

H.R. 3737: Mr. VITTER and Mr. BAKER.

H.R. 3743: Mr. HOUGHTON.

H.R. 3791: Mr. BURR.

H.R. 3795: Mr. PALLONE.

H.R. 3800: Mr. PAUL, Mr. BAKER, Mr. JONES of North Carolina, Mr. LINDER, Mr. FORBES, Mr. MANZULLO, and Mr. HOSTETTLER.

H.R. 3815: Mr. HASTINGS of Florida and Ms. NORTON.

H.R. 3839: Mr. CASE.

H.R. 3853: Mr. MILLER of Florida.

H.R. 3865: Ms. SLAUGHTER, Mr. MCGOVERN, Mr. CASE, Mr. FILNER, Mr. HINCHEY, Ms. NORTON, Mr. MCDERMOTT, and Mr. BERRY.

H.R. 3866: Mr. SCOTT of Virginia.

H.R. 3867: Mr. OLVER.

H. Con. Res. 173: Mr. VISCLOSKY.

H. Con. Res. 257: Mr. MILLER of Florida.

H. Con. Res. 298: Mr. CRAMER.

H. Con. Res. 310: Mr. DEAL of Georgia.

H. Con. Res. 332: Mr. GERLACH, Mr. FORD, Mr. MCCRERY, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. HILL, and Mrs. MALONEY.

H. Con. Res. 352: Mr. DAVIS of Florida, Mr. HONDA, Ms. CARSON of Indiana, Mr. WEXLER, Mr. MEEKS of New York, and Mr. STARK.

H. Con. Res. 356: Mr. SCHIFF, Mr. BISHOP of Georgia, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Ms. WATSON, Mr. FATTAH, Mr. MATHESON, Mr. OLVER, Ms. ESHOO, Mr. GREEN of Texas, and Mr. CONYERS.

H. Con. Res. 363: Mr. SAXTON.

H. Con. Res. 367: Mr. KIRK, Mr. HOSTETTLER, Mr. HUNTER, and Mr. SKELTON.

H. Res. 60: Mr. GREENWOOD.

H. Res. 446: Mr. FEENEY.

H. Res. 466: Ms. BERKLEY, Mr. KILDEE, Mrs. BIGGERT, and Mr. KENNEDY of Rhode Island.

H. Res. 514: Mr. GORDON.

H. Res. 524: Mrs. LOWEY, Mr. GRIJALVA, Mr. MCGOVERN, Mr. TOWNS, Mr. LEVIN, and Mr. SANDERS.

H. Res. 540: Mr. BEREUTER, Mr. BLUNT, Ms. LEE, Mr. TANCREDO, and Mr. MCCOTTER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3752

OFFERED BY: MR. FLAKE

AMENDMENT NO. 2: In section 3(c)(22), in each of the proposed paragraphs (1), (2), and (3), strike ''such sums as may be necessary'' and insert ''$11,776,000''.