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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CHOCOLA).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 30, 2004.

I hereby appoint the Honorable CHRIS CHOCOLA to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of March 29, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

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

CRANE-RANGEL PROVIDES INCENTIVES TO KEEP MANUFACTURING IN U.S.

Mr. BROWN of Ohio. Mr. Speaker, last week, Vice President CHENEY was in Dayton, Ohio, to try to argue for the President's economic budget plan, to try to justify the economic devastation that his administration's policies have wreaked on the American people. In Ohio alone, one out of six manufacturing jobs has simply disappeared since President Bush took office; 300,000 jobs have been lost in my home State of Ohio. That is 2,000 jobs a week have vanished; that is 260 jobs every single day in Ohio, jobs that have been lost every single day of the Bush administration.

Now, I wish that Vice President CHENEY had been with me earlier this month. I was speaking to the Akron machine shop owners and operators; and before I spoke to this group, about 60 men and women who own small tool and die, fabricating machine shops, companies of 5 to 200 employees, a gentleman walked forward and handed me this stack of leaflets, pamphlets, and flyers. I did not initially know what they were. He explained, these are auctions, going-out-of-business, fire-sale equipment sales at plants all over the United States. For instance, auction, family facility closed, Medina, Ohio. Absolute auction, Cuyehoga Falls, no minimums, no reserves, high dollar buys regardless of price. Another going out, complete shop closeout auction, Marion, Ohio. High-tech manufacturing plant closing, Chicago, Illinois. Large capacity fabricating machine shop closing, Hingham, Massachusetts. Two complete stamping machine tool shops going out of business, 2-day auction, Northbrook, Illinois. Precision CNC Job Shop, Scottsboro, Alabama.

The problem is, Mr. Speaker, I do not think President Bush and Vice President CHENEY, I just do not think they see this. I think that the people who run our government seem so out of touch with what is happening to manufacturing in this country, what is happening to employment in this country, what is happening to our economy. Every time they hear bad economic news, they have two answers. One is tax cuts for the most privileged in society with the hope that some of it will trickle down to the rest of society, and the other answer is trade agreements, more North American free trade agreements, NAFTA-like trade agreements that continue to ship jobs overseas, that continue to hemorrhage manufacturing jobs in this country.

From the President and Vice President, that is always the response. It is tax cuts, trickle down economics, tax cuts for the most privileged, and trade agreements that ship jobs overseas. But now there seems to be a third answer that some Republican legislative leaders have brought forth.

I would cite from CNN. Paula Zahn asked the question of one Republican leader, saying, Why have 2.5 million jobs been lost during the Bush administration; and this Republican leader said, Well, Paula, in this 21st-century economy, jobs that are not reflected in the establishment payroll survey take on different forms. Then he went on to say, this is a leader in the Republican Party in the House, There are 430,000 Americans who make their full-time living selling on eBay.

That is not in any way reflected in the numbers.

So the Bush administration's answer has been tax cuts for the most privileged and trickle down economics, trade agreements, and now I guess they are saying that jobs on eBay are making a difference. I do not think those jobs are paying health care benefits. I do not think those jobs are the kind of jobs that we want to build our economy on.

Unfortunately, Mr. Speaker, the leaders in this government are so out of touch with economic reality in this country, instead of tax cuts for the most privileged and trickle down economics, instead of trade agreements that ship jobs overseas, instead of relying on eBay as an engine of economic growth, this Congress needs to pass the bipartisan Crane-Rangel bill. It rewards those companies with tax incentives who manufacture in the United States and, at the same time that, in essence, penalizes those companies

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that ship jobs overseas, those companies that move offshore to the Bahamas, continue to get government contracts, and avoid taxes in the United States; those companies like Halliburton, which get billions of dollars in unbid contracts, yet end up oftentimes with their subsidiary avoiding taxes, while continuing to pay the Vice President of the United States $3,000 a week. That is not good economic policy. Our incentives should be given to those companies that manufacture in the United States, that provide jobs for American workers, not the kind of plans that the President of the United States has thrust on the American people.

Mr. Speaker, this job loss, this erosion of our manufacturing base must be turned around, not with old tired solutions, but with aggressive incentives to keep manufacturing in this country.

NEGLECT OF NATION'S FINANCES THREATENS AMERICA

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this year we celebrate Abraham Lincoln's 195th birthday. In his famous address at Gettysburg, he noted that ''our fathers brought forth on this continent a new Nation conceived in liberty and dedicated to the proposition that all men are created equal.'' The Civil War was ''testing whether that Nation, our Nation or any Nation so conceived and so dedicated can long endure.''

Now, that challenge is with us. Today, we face a threat to the country that may well be as serious. It lies not in the dramatic clash of arms, but in neglect of our Nation's finances, especially our long-term finances.

Voters vote for benefits, and politicians promise them without knowing how to pay for it. Just 4 months ago, Congress voted for a prescription drug benefit that adds $16 trillion to the program's unfunded liability. That is over two times our total national entire debt, and it was done mostly for short-term political gain with little reform of the underlying program. There is now a call from some Members proclaiming that the budget we are now working on for 2005 that is actually twice an increase in government, twice the rate of inflation is not enough and we should have more spending to increase taxes eventually. There are very few in Congress who are willing to resist the continual pressure to spend; and I think part of that, Mr. Speaker, is because of the fact that most citizens today now pay less in income tax than they get from government services, so it is easy to ask for more.

From the founding of this country, it took until 1975 to amass a debt of $500 billion. Unfortunately, we are now adding more debt to our books every year than we did over the first 199-year history of this country. The deficit for fiscal year 2003 was $536 billion, $631 billion this year, and another $534 billion expected for next year. We have never run a deficit this high, and we need to take decisive action in this budget to address our overspending.

This kind of spending means that higher taxes are coming, maybe not in the next year or two, but eventually. The same Congress that could not bring itself to add a few real reforms to Medicare in a gigantic benefit expansion bill is not likely to cut benefits to the degree necessary to head off financial crisis until the disaster is on us.

I take some comfort from a new willingness among many members of the Republican Conference to tighten our line on spending. Though some Members expressed concern about cuts in an election year, a strong majority have insisted that we reduce spending. There is general cooperation and agreement that we should spend less, not tax more, and we will see if that determination translates into effective spending restraint.

Joining with colleagues who share our concern about government overspending, we will reimpose discretionary spending caps which were in effect from the early 1980s through the surplus period of the late 1990s. It is important, Mr. Speaker, that Congress work hard to cut out unnecessary waste and abuse. We also need to make very hard decisions to prioritize spending.

Another aspect of the solution, I think, is improving the honesty of government accounting. I have a bill to require the CBO and the OMB to include unfunded liabilities in their budget projections. This unfunded liability is now projected to be $71 trillion, $71 trillion that our kids and our grandkids are eventually going to have to finance, pay the interest on, and start paying it back.

Some people have said that we should not worry so much about unfunded liability because it can be wiped out by reforms, but Congress has shown little political will to deal with the problem. Perhaps making it more visible will help bring about some of the reforms that will be necessary to come to grips with the problem.

Congress and the President can redeem their record on spending to a large degree if they push hard for Social Security reform. It would be nice to do it before the election. Maybe we can do it after the election, but it remains to be seen whether we will take on that fight. It will be a fight because steeply progressive taxes and big government have combined to form a powerful electoral block. Here, again, the bottom 50 percent of earners now pay virtually no income tax and, therefore, have little will.

Empires decline when they fail to act on fundamental problems, and I wonder at times if we are not too distracted by the endless scandals and the horse race politics of our media culture to grab what is best for our country.

REAUTHORIZATION OF SURFACE TRANSPORTATION ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this week, the House will be considering the most important economic and environmental bill of this session. It is the reauthorization of the Surface Transportation Act.

It has been fascinating to watch the broadest coalition in memory be assembled in support of this important legislation to rightsize our investment in America's transportation system. This coalition ranges from the Sierra Club to the chamber of commerce, from the bicyclists to the truckers, people who lay down asphalt to those who care about historic preservation, all are on record as supporting an investment that is rightsized for America's future.

The number that has been identified by the administration from the Department of Transportation is on the order of magnitude of $375 billion over the next 6 years. It does not appear, sadly, as though this House is going to be able to consider an appropriately sized piece of legislation to meet those needs. The bill that is coming forward is at $275 billion. Our colleagues in the Senate passed overwhelmingly a proposal for $318 billion.

It is important not to fixate just on the amount of money, although that is not insignificant. What we want to do is make it so that it is appropriate for the needs that America has now.

These are jobs that are not going to be outsourced to India or China. There are between 20,000 and 50,000 jobs that are created for each billion dollars of investment. And this is an investment that has a huge return beyond simply family-wage jobs. Each dollar that is invested back in our communities under this legislation will be investing in rebuilding America's crumbling bridges. It will be revitalizing streets. It will be enhancing the environment.

The framework of these choices for American communities will inspire other private investment that will significantly enhance the Federal money.

This legislation has a number of innovations that give more choices to States and localities.

□ 0915

One is a ''Small Starts'' project for transit that can be commuter rail, streetcar, or bus rapid transit to be able to allow communities to have more cost-effective, simple, direct investments that can revitalize neighborhoods. After all, most American cities were built up around streetcar and urban electric systems in the past.

This will be the best bill in history for cycling, in no small measure due to the efforts of the ranking member, the gentleman from Minnesota (Mr. OBERSTAR). There is a program for safe routes to schools so our children can bike and walk to school safely at a time when we are concerned about morbidly obese junior high students. The fact that most communities are finding fewer and fewer children can get to school safely on their own, these will be welcome additions indeed.

This is the time for the House of Representatives to do its job. We need to send a clear signal that we support investing in America's transportation future. We need to make sure that we protect the basic framework of the ISTEA legislation so that it enhances the choices that communities have and provides incentives to properly plan it.

It is important that we think of this as the beginning of the reauthorization for TEA–4 because this framework is going to provide a floor. It is going to provide direction not just for this next 6-year reauthorization but it will be the framework to launch what happens in the subsequent reauthorizations as well. We do not want to be 6 years from now in the place where we have an administration that is threatening to veto even a modestly sized piece of legislation for America's future.

I urge my colleagues to support a motion to recommit this bill to establish the $318 billion threshold the same as the Senate. I look forward to a debate this week that will help move America's economic and environmental program forward.

REQUIRE OPEC TO FOLLOW THE LAW

The SPEAKER pro tempore (Mr. CHOCOLA). Pursuant to the order of the House of January 20, 2004, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, tomorrow the OPEC nations will meet to seal the deal on their collusion to restrict production of oil and drive up the price, damaging the U.S. economy, devastating U.S. consumers and other countries around the world.

Now, the Bush administration thus far has taken no action. Perhaps not too strange when you read about the long-enduring links between the Bush family and the rulers of Saudi Arabia, but still I would think in an election year we could at least get some modicum of action out of this administration.

Now Energy Secretary Abraham recently said the U.S. is not going to beg OPEC for oil. I agree. We should not beg. We should make them follow the law. This is an administration that is so big on the WTO and rules-based trade. I opposed the WTO. But when you are stuck in it, like we are, you ought to at least then use the rules that would be to the advantage of your people and your economy.

And the rules, there are rules in OPEC that prohibit what is being done in the WTO by the OPEC countries. There are 11 OPEC countries, six are members of the WTO, and two have applied to join. Therefore, since they are violating the rules of the WTO, the Bush administration should file a complaint.

It is quite easy to read. Article 11. ''No prohibitions or restrictions other than duties, taxes, or other charges whether made effective through quotas, import or export licenses or other measures shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation or sale for export of any product destined for the territory of any other contracting party.''

Now that is legalese, but the bottom line it says is what those OPEC countries who are members of the WTO are doing to collude, to restrict production, to drive up the price of oil, to price-gouge Americans, violates the rules; and the Bush administration should file a complaint in the WTO on that issue.

I corresponded with the Bush administration last year. They came back after 6 months and said, well, there is an exclusion for a conservation of exhaustible natural resources. Well, that is true, except nobody in OPEC alleges that they are conserving exhaustible natural resources. They are very up front about it. They are trying to drive up the price. There is no conservation ethic there.

So that exclusion does not apply, particularly since the rules go on to say, disguised restrictions on international trade are prohibited. That is what this is. It is not a conservation exception.

So the Bush administration could use its favorite entity, the WTO, which it frequently uses for multinational corporations to enhance their profits, to degrade consumer protections, labor protections. They could use it now to protect the American economy, American consumers against price-gouging. They are not doing that, and one has to wonder why. I think it is because so they are so tight with the oil industry.

People say, wait a minute. The oil industry is buying oil. No, the oil industry has all these special deals with the OPEC countries. If the OPEC countries make big headlines and say they are rising the price of oil by 4 bucks a barrel, the oil industry applauds. Because what they then do is at the pump they raise it effectively 8 bucks a barrel; and then when American consumers, they complain, they point to OPEC and say we cannot do anything about it. It is those OPECers. They raised it. They raised it.

Well, if you look at the profits of the oil industry, they are up, phenomenal, yet the Republicans are proposing an energy bill that would subsidize the oil, gas, and coal industries, all of whom are recognizing record profits. And they say that would be the solution.

Well, you are already subsidizing them by not taking action in the interest of the American people against the colluders, the price-fixers, at OPEC. There is no explanation for the inactivity of the Bush administration on this other than they are getting the support of that industry for their reelection. That is the only potential explanation of why they would abandon the American economy.

Because they are talking about the recovery is fragile, and it is just starting. Well, you heard from the gentleman from Ohio (Mr. BROWN) earlier on that. There is not much of a recovery for most Americans. There is some recovery in profits, but with the outsourcing of jobs there are no new jobs here in the United States. But now they are sticking it to consumers and the few businesses that we have left that are trying to produce goods to export and every other business that is based in this country through these extortionate gasoline prices and the Bush administration has done nothing, zero, nada, zilch. Not one thing, not one action has been taken.

They are buying oil at these extortionate prices to put in the reserve, and they will not do anything about the high price. So they are gouging both taxpayers and consumers. It is a twofer for the Bush administration.

THE BUDGET

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Illinois (Mr. EMANUEL) is recognized during morning hour debates for 5 minutes.

Mr. EMANUEL. Mr. Speaker, later this week the House is on the verge of passing a $2.3 trillion budget with a $500 billion deficit, showing that it is impossible to finance three wars with three tax cuts.

This budget repeats the same mistakes that have resulted in a jobless economy and a wage recession here in America, with the lowest growth in wages in a period of economic growth ever in American history.

This budget continues the status quo economy, an administration that refuses to budge and change its failed policies that have led to nearly 3 million Americans unemployed since it has taken office, 43 million Americans who are working without health care, 4 additional million since they have taken office, 2 million Americans who moved from the middle class to poverty, nearly $1 trillion worth of corporate individual bankruptcies and stagnant wages.

During the 2000 presidential campaign, President Bush declared that he opposed nation-building. Who knew it was America he was talking about. You would think if your results of your economic policies led to 3 or more million Americans without work, 43 million

Americans without health insurance, $1 trillion dollars worth of foreclosed corporate assets, poverty rolls increasing, you would change direction. What are we about to do with this budget? Put our foot on the accelerator and do the same old thing that will result in the same policies.

In 3 years we have added $3 trillion to the Nation's deficit, and nearly 3 million Americans have lost their jobs. Three wars, three tax cuts, $500 billion in deficits. That has been the result of the economic policies of this administration; and this budget that we are going to vote on will continue the policies that have given America woefully inadequate services on health care, college education, jobs, retirement security, and also economic security.

This budget and the President's economic vision is really the tale of two budgets, one for America, one for Iraq. We have spent well over $100 billion on Iraq's occupation but without promising the same future that we are promising the Iraqi children and families.

Let us just go through it.

When we talk about universal health care in Iraq and free job training to Iraqis, 44 million Americans go without health insurance and 8.2 million Americans are without jobs.

In the area of health care, 2,200 Iraqi health officials are being trained by the United States, and 8,000 volunteers in Iraq are receiving free training. In America, under the budget being proposed, we have cut health training funds by 64 percent here at home.

One hundred fifty clinics and hospitals in Iraq have been rebuilt, serving 3 million Iraqis. One hundred percent prenatal and infant coverage in Iraq. In America, community health clinics cut by 91 percent. Maternal and Child Health Care, Healthy Start, family planning, all frozen resulting from cuts in those budgets.

In the area of jobs, in Iraq $60 million is being spent to train Iraqi veterans for past wars; and yet in this budget we gut veterans and veteran health care, resulting in every veterans organization opposing the budget we are going to vote on.

In the area of education in Iraq, we have built 2,300 schools for the Iraqi children but have underfunded Leave No Child Behind by $8 billion here at home. Iraqi universities are getting $20 million for higher ed partnerships. In America, we have cut $91 million from the Perkins loans and frozen Pell Grants for college education.

In the area of police and security, $470 billion is being spent, $500 billion is being spent for Iraqi police. Yet the COPS, Community Police Program, $659 million in this budget is cut from the police that we put on our streets here at home.

In the area of housing, $470 million is being spent for Iraq public housing. Yet we have cut in this budget that the President proposes and the Republicans are going to vote on $791 million from section 8 public housing vouchers.

In the area of environment, in Iraq, $3.6 billion in waters and sewer improvement; in America, a $500 million cut from the Clean Water State Revolving Fund that provides drinking water for every American.

In the area of ports, the Port of Umm Qasar in Iraq was completely rebuilt for economic development. The Army Corps of Engineers here in the United States, a 63 percent cut for port security upgrades.

Roads. We spent $240 million on roads and bridges for the Iraqi infrastructure, and yet mass transit here in the United States in the budget will be frozen.

As the President seeks reelection he will be running on a pledge that he kept. He was opposed to nation-building, and he has kept his pledge. The problem is he is opposed to nation-building here at home in America. We can do in it in Iraq, but we should not leave America behind.

MEDICARE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Missouri (Mr. BLUNT) is recognized during morning hour debates for 5 minutes.

Mr. BLUNT. Mr. Speaker, I want to talk briefly this morning about what is happening with Medicare. We are approaching a time when seniors will have an option for the transitional card that allows them to have immediate help with their prescription drug benefits.

At CMS they are working right now on a plan where seniors will be able to call in, talk about the drugs that they personally are taking, and for that 18 months or so of transition receive the help that they initially can get as we are putting this first major change since 1965 of Medicare into place.

Seniors across the country have been waiting for too long for Medicare to cover life-saving prescription drugs, not the fault of this House which for three Congresses now has tried to solve this problem and has voted to solve this problem.

In 1965, when President Johnson signed Medicare into law, prescription drugs were not a big part of health care. In 2003, President Bush understood that they had become a big part of health care. The Congress understood that as well, and we have strengthened that program for millions of seniors to be able to rely on new coverage in the future.

□ 0930

For the first time in Medicare's history, a prescription drug benefit will be offered to all 40 million seniors and disabled Americans to help them afford the cost of their medicines. No senior has to take this benefit, no senior has to make a choice about changing their Medicare if they do not want to, but this offer is available to all seniors and, again, available to all who have Medicare coverage because of a disability.

Americans of all ages can benefit from the creation of health savings accounts, which will give individuals more control over the cost of their health care and access to affordable, flexible coverage; and for the 888,126 beneficiaries in my State of Missouri who will have access to a Medicare prescription drug benefit for the first time in history, help is on the way.

In fact, 214,754 Missouri seniors will have drug coverage they otherwise would not have, and almost 270,000 beneficiaries in Missouri who have limited savings and low incomes, generally low income in that case would be for individuals with income below $12,123 a year or for couples with income below $16,232 a year, those individuals have even more benefits.

Initially, they get the card for free. They get $600 of credit toward their drug bill on the card that they will receive this year and another $600 next year. They will pay no premium when it comes time for the prescription drug coverage, if they opt to take that coverage; and they will be responsible only for a very small copayment, no more than $2 for generic drugs, $5 for brand-name drugs.

For people who have been struggling to pay for the drugs that their doctors told them they needed for their own health, this makes a huge difference in their ability now to have the kind of health care that they deserve, the kind of health care that is available, the kind of health care that will be covered under Medicare.

Mr. Speaker, all these numbers add up to savings. They add up to access to life-saving drugs. They add up to better health care for seniors of this country. This is a huge and important change.

I am pleased that this House could be part of it, that our friends on the other side of the building would join us and that the President signed this important legislation into law.

HONORING JOSEPH FORD

The SPEAKER pro tempore (Mr. CHOCOLA). Pursuant to the order of the House of January 20, 2004, the gentleman from New Hampshire (Mr. BRADLEY) is recognized during morning hour debates for 5 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to the life and the memory of a great American, Mr. Joseph Ford. Following a brief illness, Joe passed away on March 16. His death, a loss to us all.

As the veterans community in New Hampshire and throughout the Nation celebrates the life of this exceptional person, I would like to take an opportunity to honor a beloved New Hampshire resident.

Joe served our country valiantly in the United States Air Force and retired after more than 20 years of service. Following his service, Joe became an

active member of the New Hampshire chapter of the Disabled American Veterans and was to be installed as the next DAV commander at the State convention in June.

Recently, Joe received letters of encouragement and appreciation from President George W. Bush, Secretary of Defense Donald Rumsfeld, and New Hampshire Governor Craig Benson for his work within the veterans community.

Mr. Speaker, we are all at a great loss because of Joe Ford's passing, but can be comforted by knowing he made a lasting impact through his life's work. I am honored to bring his life to the attention of this body of Congress and to our Nation today.

My thoughts are with Joe's wife, Lillian; his two children, Paul and Mary; and all those who knew Joe, especially those throughout the veterans community during this difficult time of bereavement.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 35 minutes a.m.), the House stood in recess until 10 a.m. today.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 a.m.

PRAYER

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

Lord God, You speak to Your people through prophets and leaders as of old. Be with Your people now and guide the leaders of this government as You did in the days of Habakkuk, the prophet.

When the cry for help was raised, You did not seem to listen. When the shout of violence was heard in the streets, You seemed not to intervene. But then You, O Lord, answered and said through the prophet, ''The vision still has its time. Press on to its fulfillment and it will not disappoint. The just man because of his faith shall live.''

Help us never to lose vision which provides hope. The value of such faith does not depend on fulfillment of expectation, but gives power to transform the lives of the faithful, to wait, to work with faith both today and forever. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. THOMPSON of California 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.

SALUTING CITIZENS OF PRINCE EDWARD COUNTY, VIRGINIA, ON THE 250TH ANNIVERSARY OF ITS FOUNDING

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

Mr. GOODE. Mr. Speaker, Prince Edward County is marking the 250th anniversary of its founding on January 1, 1754, by act of the Virginia General Assembly. Prince Edward County played a vital role in the early days of the history of this Nation as an agricultural and major shipping distribution center.

Prince Edward County is the home to two premier institutions of higher learning, Hampden-Sydney College and Longwood University. Prince Edward County counts among its most honored natives two men who held governorships of other States, Henry Watkins Allen in Louisiana and Sterling Price in Missouri. Also, General Joseph E. Johnston of the Confederate Army is a native son as well as civil rights leader Dr. Vernon Johns; J. B. Fuqua, philanthropist; and the first African American United States Senator, Blanche K. Bruce; as well as Lieutenant General Sam V. Wilson, former president of Hampden-Sydney College.

Prince Edward County has also been called home by such noted persons as Virginia Governor Phillip McKinney; civil rights leader Reverend L. Francis Griffin; president of Tuskegee Institute, Robert Russa Moton; and medical researcher D. Walter Reed.

Prince Edward County also played a pivotal role in the civil rights movement of the 1950s as part of the Brown v. Board of Education suit.

In closing, I salute the citizens of Prince Edward County in recognition of their 250th anniversary.

KICKING THE RECOVERY INTO HIGH GEAR

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

Mr. DELAY. Mr. Speaker, during this final week before the spring break, the House will cap off a strong winter of work helping the American people grow the economy and create jobs. With positive economic news continuing to come in, we can be sure times are good, yet equally sure they are not perfect.

More Americans are working today than at any time in our history. Unemployment and interest rates remain low, the budget we passed last week is pointing the way toward fiscal accountability, and every day that passes brings us another day closer to victory in the war on terror.

But, Mr. Speaker, our manufacturing industry continues to feel the squeeze of outsourcing; and certain segments of the population have not yet come to fully enjoy the economic recovery evidenced in all this economic data. People are still hurting. But thankfully, more help will soon be on the way. This week the House will consider the long-awaited Federal highway reauthorization bill, which will set and deliver on the highway transportation investment priorities for the rest of the decade. It is estimated that every billion dollars spent on highways creates 47,500 jobs. The TEA–LU bill we will take up this week will authorize $275 billion over the next 6 years.

This is a jobs bill, plain and simple. When a new highway is built, new neighborhoods follow, then businesses to serve those neighborhoods, and then businesses to serve those businesses. A highway does not just mean asphalt. It means families and car pools and schools and office parks and grocery stores and shopping malls. It means more new jobs, from waiters and convenience store clerks to doctors and stockbrokers. Added to the tax relief Congress passed in 2001 and 2003, the highway bill will further grow the American economy, creating jobs, expanding opportunity, and changing lives along the way.

Less than a week since we passed one of the strongest, most pro-growth budgets in history and less than a week before we receive March job creation numbers, now is the perfect time for us to move on the highway bill. It is time, Mr. Speaker, to help the American people kick our economic recovery into high gear.

WE HAVE REASON TO BE SKEPTICAL OF RICHARD CLARKE

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

Mr. PITTS. Mr. Speaker, I want to know which Richard Clarke we are supposed to believe. On his watch for 8 years our country suffered four terrorist attacks: in 1993 the New York World Trade Center, the Khobar Towers in 1996, in 1998 two African U.S. embassies, and in 2000 they attacked the USS *Cole*. Then in 2001, the 9/11 attacks occurred. The Clinton administration did nothing. It merely attacked some empty tents and a Sudan aspirin factory with a few cruise missiles. Richard Clarke himself admitted to PBS in 2002 that they should have taken out terrorist camps in Afghanistan in the 90s; but, according to him, there were ''other considerations'' that prevented this action.

Now Clarke attacks the Bush administration. Now he is suggesting that going into Iraq has diverted us from the more important goal of defeating al Qaeda, that we cannot do both. He is wrong. When we were attacked on 9/11, President Bush did not waste any time. He used the full power of our Nation to take out the Taliban and hunt down terrorists. Clarke even praised the President for his leadership.

Richard Clarke is guilty of the worst kind of spin, changing his story to avoid blame and make a profit on his new book.

HEALTH SAVINGS ACCOUNTS AN IMPORTANT COMPONENT OF MEDICARE MODERNIZATION ACT

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

Mr. SHIMKUS. Mr. Speaker, I am here today to talk on the Medicare Modernization Act. Tax-free health savings accounts that are accumulative allows the individual to pick up basic health care costs and shop around for quality and service, one of the great benefits of the Medicare Modernization Act. The other thing is then moving individuals into catastrophic health insurance plans which will be, obviously, in essence a lot lower than health care costs today. What people fear is the ability to lose their life savings on catastrophic illnesses. By having the catastrophic health insurance account, that will not occur and it will be at a cost that people can assume. But the only way we are going to bring down health care costs in America is to make sure that the consumer is involved in choosing their services based upon quality and service. No middlemen, the consumer. That is the benefit of the health savings account. The Medicare Modernization Act was real reform, and I am proud to have supported it.

MEDICARE

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

Mrs. BLACKBURN. Mr. Speaker, I was at home this weekend in the good Seventh District of Tennessee reading the Nashville Tennessean and there on the front page of the business section was a story with the headline, ''Some Seniors Begin to See Benefit From Medicare.''

Mr. Speaker, if you had been listening to the Democrats for the past 6 months, you would be stunned that the seniors were going to see benefits from Medicare. But here it is in black and white. This is what the story says:

''Seniors who do belong to a Medicare HMO have been showered with new benefits thanks to the Medicare Modernization Act Congress passed last year.''

And this is all before the prescription drug card and the eventual prescription drug benefit even take place. Clearly, the Medicare reform President Bush and this Congress passed is helping seniors and that is exactly what it is supposed to do.

PRESCRIPTION DRUG PRICES

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

Mr. EMANUEL. Mr. Speaker, when we were off a couple of months ago debating the Medicare bill, we were told it was going to cost $400 billion. We found out all along everybody knew it would cost $550 billion, and nobody was told the absolute truth. Most importantly, you were not told. Not a single new benefit has gone to a senior citizen and the taxpayers are stuck with another $150 billion hit. Now everybody wants to talk about the benefit that is going to come with a discount card giving a 25 percent discount. The costs of prescription drugs at the pharmacy are rising on average 19 percent a year for the last 7 years. So what you are going to see is what we all know happens at Neiman Marcus right before a sale, prices get jacked up as high as they can and then they offer a sale to give you a discount from the inflated prices. That is what is happening to prescription drugs right now at the pharmacy.

Seniors on average pay 40 to 50 percent more for their prescription drugs than people in Canada and Europe for the same drugs that have been developed here in the United States. What we need is a reimportation bill to bring the prices down, make them competitive, and get world-class drugs at world market prices rather than the 50 percent inflated prices that we pay here in America.

UNBORN VICTIMS OF VIOLENCE ACT HEADING TO PRESIDENT'S DESK

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, when a woman is attacked and her child is killed, there is presently no penalty for the death of the child. Until now. Just last week, the Senate passed the Unborn Victims of Violence Act, also known as Laci and Conner's Law. It is on its way to the President's desk. Laci and Conner's Law declares that in an assault on a pregnant woman when a child is injured or killed, there are two victims. It makes the killing of an unborn child a prosecutable offense while specifically exempting abortions that are currently protected under Roe v. Wade.

The overwhelming majority, 80 percent of Americans, support the idea this law represents. They believe there are two victims, and they are right. Criminals are getting away with killing children, in many cases just days before delivery. This new law will put America back on record as valuing the lives of its children.

I want to again thank President Bush for his unwavering leadership on protecting and educating all of America's children.

PRICE OF GAS HITS ALL-TIME HIGH

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

Mr. MARKEY. Ladies and gentlemen, America now has the highest gasoline prices in history. OPEC is meeting once again to cut the amount of oil it is providing to the United States even as we have 130,000 young men and women over in the Middle East. That is a disgrace.

President Bush must insist that OPEC increase its production of oil. We should not suffer. The Christians had a better chance against the lions than the American consumer has against the OPEC cartel. We need a President who is not going to allow OPEC to tip us upside down and shake money out of the pockets of the American consumer. President Bush must insist that OPEC give to the United States what it deserves, an economy which is not harmed by OPEC with these rising oil prices which make it impossible for consumers to pay their bills or businesses to invest in any other service or product with the exception of their oil bill.

Tomorrow is the day, Mr. President. Let us have some relief for the American consumer and for the American businessman so our economy can grow.

□ 1015

IN SUPPORT OF AMENDMENT TO THE TRANSPORTATION BILL

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

Mr. FLAKE. Mr. Speaker, I come to speak about a very disturbing trend that we have here in Congress that both parties are guilty of perpetuating.

In 1982, in the Surface Transportation Assistance Act, when it was

passed, there were just 10 earmarks with a total value of $385 million. In 1987, the bill contained 157 earmarks; and it grew to $1.4 billion. In 1991, there were 538 earmarks at a cost of $6 billion; in 1998, 1,800 earmarks at a cost of $9 billion. This year, there are 2,300 earmarks in the transportation bill that we will be discussing this week.

When that happens, when there are earmarks, it takes away from the high-priority projects that the States have identified and instead puts money toward low-priority projects that are identified by a specific Member of Congress. That is simply wrong to take money from Arizona or California or Texas from that formula to fund an earmark in West Virginia or Alaska or Minnesota or elsewhere. We need to change this process now, and I urge adoption of an amendment which will do that.

APPOINTMENT OF CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, with the House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. THOMPSON OF CALIFORNIA

Mr. THOMPSON of California. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. THOMPSON of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution S. Con. Res. 95 be instructed to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

The SPEAKER pro tempore. The gentleman from California (Mr. THOMPSON) will be recognized for 30 minutes, and the gentleman from Iowa (Mr. NUSSLE) will be recognized for 30 minutes.

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

Mr. THOMPSON of California. Mr. Speaker, I yield myself such time as I may consume.

Last week, the House passed a budget resolution for fiscal year 2005. They did so on a straight party-line vote. But it was the alternative with the strongest budget enforcement provisions, the Blue Dog budget, that got the bipartisan support. Budget enforcement received bipartisan support in the Senate, also. They passed an amendment extending PAYGO rules to both revenue and spending measures with the support of a bipartisan majority.

Common ground, bipartisan ground, can be found on the issue of budget enforcement; and if we are really going to reduce the deficit, bipartisanship is a must.

Spring is a time of March Madness and the basketball tournament. But when it comes to responsible budgeting, I feel like it is baseball season around here.

On March 17, the House Committee on the Budget voted down a PAYGO amendment on a straight party-line vote. Strike one.

On March 24, the House Committee on Rules ruled out of order a PAYGO amendment on a straight party-line vote. Strike two.

And on March 25, the House approved a budget that had no PAYGO rules by a straight party-line vote. Three strikes, and we were out.

When it comes to budget enforcement, the House of Representatives struck out, but, unfortunately, it is our constituents that are the real losers here today. And our constituents understand that deficits impact them directly. They know that a $477 billion deficit means that we are borrowing money from the Social Security Trust Fund to pay our bills. They understand that a $7 trillion national debt means that $50 billion of their hard-earned tax dollars are being sent to other countries every single year in interest payments on that national debt. Our constituents understand that Washington expects them to balance their budgets and to pay their bills. What they do not understand is why Washington does not require the same of ourselves.

Families across America sit down every week to balance their checkbooks. Our government, unfortunately, has not balanced its budget in 3 years. We have maxed out our national credit cards not once but twice; and instead of paying down the debt, we have increased our spending limit on that national credit card.

Today, we can send a clear message that Congress needs to hold itself to the same standards that it holds American families. Congress needs to pay for what it does. It does not matter if it is an increase in spending or a reduction in revenue. If it is important enough to become law, we should be required to pay for it. That is the motion to instruct that is before us today.

The motion instructs the conferees to agree to the strongest possible enforcement rules for all spending increases and tax cut legislation in the House and Senate, and it instructs conferees to adopt the Senate amendment on PAYGO as applied to all legislation that increases the deficit.

Members of the Blue Dog Coalition have been calling for the reinstatement of PAYGO on both revenue and spending since the Budget Enforcement Act expired in 2002. And it is not a partisan concept. As a matter of fact, in its original form, PAYGO was part of a bipartisan budget agreement between the first President Bush and a Democratic Congress. A Democratic President and Congress extended PAYGO in 1993, and a Democratic President and Republican Congress extended it again in 1997.

Members of both parties have long appreciated the PAYGO rules as an enforcement tool that helps Congress achieve and maintain a balanced budget.

Today, I urge Members of both parties to vote yes on this motion to instruct. Such a vote will tell our constituents that this House of Representatives understands that we are not sent here to play games with the budget, but we are sent here to balance the budget. It will say that we are serious about deficit reductions and that we are willing to reach that goal in a bipartisan fashion.

Mr. Speaker, I urge the Members to please vote ''yes'' on this motion to instruct.

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

First of all, I join the gentleman when it comes to paying for things as we go. Every family, as the gentleman from California said, has to pay for things as they go. When they have a bill come in from the light company or from the gas company or from the city, from the city office, to pay for the water or the garbage collection, they have got to pay as they go. When we go to the grocery store and buy the milk and buy the bread and buy the eggs, we have got to pay as we go.

Spending should be paid as we go. There is no question about that. There is bipartisan agreement, I think, for that. Spending should be paid for. It is an important concept. And the gentleman spoke about the outrages of government on the spending side.

But the argument gets a little bit fuzzy when we start talking about the income side or the revenue side. The gentleman wants budget enforcement. He has got a partner over here in the Committee on the Budget chairman. I certainly want and expect that we will have budget enforcement and an opportunity for Members to vote on budget enforcement this year. In fact, we passed a bill out of the Committee on the Budget together with the budget that was for the purpose of enforcement. When we pass a spending plan, we ought to enforce it so that there are not increases in spending.

Unfortunately, the Spending Control Act that the gentleman supports and that I support and that I think we have bipartisan agreement on supporting has been murkied. There has been some murkiness applied to it. Because now, all of a sudden, people want to apply the same controls on spending over on

the tax cut side. And why do they want to do that? Because they do not support tax cuts, pure and simple.

If one comes to the floor today and they vote for this, it basically tells all of us that they do not support reducing the tax burden on Americans.

It would be one thing if for some reason the Federal Government was running out of taxes. I mean, if we came here today learning for the first time that the government was running out of money for some reason or another, that there were not taxes coming into the Federal Treasury, then I could see why people might be nervous and might say we ought to apply some kind of concern or more controls on the tax reform side of the debate. But, unfortunately, this is an arbitrary decision that comes in that sets yet again another 60-vote point of order on a Senate which already has the ability to enforce reduction in taxes with a 60-vote point of order, meaning that the way this bill or this rule would work is if they want to cut taxes in the Senate, they would have to get 60 votes to waive the rule that the gentleman is promoting today.

That is exactly what they would have to do if they wanted to pass a tax cut. So, instead of one vote, what the gentleman wants is two votes. Well, what is wrong with two votes?

The point of it is that why do we want to murky up the debate about controlling spending, about paying for things as we go by having yet another rule that comes in that will be gladly waived by everybody who wants to waive it, which has been cheerfully done time and time again not only in the other body but also in this body. Instead, what we should be doing is we should be controlling spending.

We passed a budget last week that controls that spending side, that says we should begin to pay as we go, but, unfortunately, what this motion does is it says that somehow the government should pay for taxes.

Think about that for a moment. We are coming up on April 15, a lot of people are going to be doing something very interesting about that point in time. They are going to be sending in a check to the Federal Government. And what does that do? It pays for taxes. So who pays for taxes in this country? The American people pay for taxes. How does the government pay for taxes? Seriously, think about that. How does the government pay for taxes? Does the government pay taxes? No. Each of us individually, I presume, pay taxes. I know I am going to be paying my fair share, and I am sure the gentleman from California and many other people who will come down here today will be paying for taxes. But does the government pay for taxes? No.

Now, if they come here today and they say they do not like the Tax Code, again I agree with them. The Tax Code is convoluted. Many of us on our side believe we ought to throw it out and start all over with a new Tax Code. If they say they want to close loopholes, they should vote for the budget when it comes back. Because loophole closing will be part of that for corporations or for anybody who is trying to take advantage of a loophole within the Tax Code.

So if they do not like the Tax Code, if they do not like loopholes that are in the Tax Code, if they want to control taxes, if they want to use taxes as a way to stimulate investment, stimulate savings, stimulate job creation in this country, then that is something that we should be doing.

But to pay for taxes, there is only one group that pays for taxes, and those are taxpayers. We have an income side, and we have an expense side. The expense side we should pay as we go, but the income side, how do we pay for income as we go? It does not make any sense.

So the entire debate today is not a debate about some responsible decision about paying for tax cuts. It is a direct attempt to eliminate any discussion this year of tax cuts. And if that is what they want to do, if they do not want to cut taxes on the job creators in this country, if they do not want to cut taxes on farmers, if they do not want to allow for married people who were penalized for many years to continue under a regime that allows them to finally not be penalized for their marriage, if they want to continue the tax relief that was provided to families with children, if they want to continue the tax relief to small businesses that create most of the jobs in this country, then they will come down here and say, no, no, no, they are just trying to prevent us from cutting taxes.

□ 1030

It sounds very responsible, ''pay-as-you-go.'' But remember who pays in this country: Taxpayers pay for taxes. The government does not pay for taxes. The government does not pay taxes.

One last thing that I want to say before I turn it back to my friend from California. As I was saying before, it would be one thing if the government was running out of money. If the debate today was, oh, my gosh, somehow tax cuts are irresponsible, because the government is running out of money. You allowed taxpayers to keep so much money that we are running out of money.

But here are the line items, and, since we are in the House, I will include this for the record, this revenue stream from the Congressional Budget Office, so that everyone can see this. But every single year under the budget, including tax relief, the amount of money that comes out here to Washington increases.

You might say to yourself, how is that possible? Do you mean to tell me if we pass tax relief, on the one hand, more money is coming in to the Federal Government? Is this done by magicians?

No, this is called an American economy that is now $11 trillion and growing, and when it grows and when it surges, when jobs are created and when people are working and when taxpayers pay taxes, and that is who pays for taxes, more money comes in to the Treasury.

Just listen to this: This year we estimate $1.8 trillion of taxes will be coming in to the Federal Government; next year it will be $2 trillion; then $2.2 trillion; then $2.35 trillion; then $2.475 trillion; then $2.6 trillion.

That is growing by about $150 billion a year, and that is a net figure. That is including us saying, taxpayers, keep your taxes; married people, keep those taxes you were being penalized; parents with children, keep that extra money for your kids. That includes us saying to small businesses, we do not want all that extra money, we want you to keep your jobs. That includes us saying to all those people, keep your taxes in your pocket. Do not send it out here in the first place, is what we are saying.

Every year more money comes in to the Federal Treasury. Not by JIM NUSSLE's account, not by any of us as Members, partisan or nonpartisan, but by the Congressional Budget Office. The Congressional Budget Office, which has the job of, in a nonpartisan way, looking at all of the statistics and giving us an idea of exactly how this is going to work.

People will come down here and say, do not believe figures 5 years from now. Just take this year to next, a $200 billion increase in taxes coming in to the Federal Treasury, and we are assuming as part of that that we want to reduce taxes.

Again, the whole point of this is, who pays for taxes? My friends on the other side come rushing down here today with a motion saying the government pays for taxes. That is wrong. There is only one entity in America that pays for taxes, and that is taxpayers. And as taxpayers, they constantly tell us, time and time again, we spend our money more wisely, you should worry about how you spend your money.

Taxes are doing just fine. We are sending more money every year, as I just explained, to the Federal Government. What you need to control is spending. You ought to pay-as-you-go for spending. You ought to make sure that you are paying for that increase in spending. That is where you ought to worry about that, and you ought to control spending in order to accomplish getting back to a balanced budget, which ours does.

Our budget that we passed last week, on a party line vote, unfortunately, does just that. It controls spending, it gets us back to a balanced budget, and it does it by reducing the tax burden on Americans, by a small amount, in order to allow them to keep that money and allow them to spend that money more wisely.

Taxes are paid by taxpayers. Taxes are not paid by the government.

Mr. Speaker, I include for the RECORD the document referred to earlier.

FISCAL YEAR 2005 BUDGET RESOLUTION—TOTAL SPENDING AND REVENUES

[In billions of dollars]

Fiscal year	2004	2005	2006	2007	2008	2009	2005–2009
SUMMARY							
Spending:							
Total:							
BA	2,338.157	2,410.054	2,479.999	2,613.497	2,744.808	2,881.038	13,129.396
OT	2,295.012	2,406.565	2,492.322	2,590.618	2,711.444	2,844.614	13,045.563
On-Budget:							
BA	1,952.701	2,009.554	2,069.485	2,189.682	2,306.882	2,426.182	11,001.785
OT	1,911.236	2,008.020	2,084.056	2,169.193	2,276.173	2,392.699	10,930.141
Off-Budget:							
BA	385.456	400.500	410.514	423.815	437.926	454.856	2,127.611
OT	383.776	398.545	408.266	421.425	435.271	451.915	2,115.422
Revenues:							
Total	1,817.359	2,028.881	2,220.056	2,350.204	2,475.522	2,609.451	11,684.114
On-budget	1,272.787	1,456.452	1,618.994	1,720.721	1,816.661	1,919.701	8,532.529
Off-budget	544.572	572.429	601.062	629.483	658.861	689.750	3,151.585
Deficit (−):							
Total	−477.653	−377.684	−272.226	−240.414	−235.922	−235.163	−1,361.449
On-budget	−638.449	−551.568	−465.062	−448.472	−459.512	−472.998	−2,397.612
Off-budget	160.796	173.884	192.796	208.058	223.590	237.835	1,036.163
Debt Held by the Public (end of year)	4,386	4,776	5,062	5,315	5,564	5,812	na
Debt Subject to Limit (end of year)	7,436	8,088	8,677	9,246	9,827	10,424	na
BY FUNCTION							
National Defense (050):							
BA	461.544	419.634	442.400	464.000	486.149	508.369	2,320.552
OT	451.125	447.114	439.098	445.927	465.542	487.186	2,284.867
Homeland Security (100):							
BA	29.559	34.102	33.548	35.160	36.520	40.420	179.750
OT	24.834	29.997	33.298	35.635	36.979	38.401	174.310
International Affairs (150):							
BA	43.604	26.529	27.776	27.927	28.077	28.228	138.537
OT	29.281	32.848	30.017	26.714	25.323	25.099	140.001
General Science, Space, and Technology (250):							
BA	22.822	22.813	22.927	23.042	23.157	23.274	115.213
OT	21.897	22.453	22.683	22.743	22.763	22.863	113.505
Energy (270):							
BA	2.323	2.863	2.604	2.583	2.629	2.285	12.964
OT	0.059	1.201	1.397	1.040	0.662	0.891	5.191
Natural Resources and Environment (300):							
BA	32.021	31.212	31.568	31.897	32.101	32.777	159.555
OT	30.210	30.868	31.911	32.153	22.128	32.804	159.864
Agriculture (350):							
BA	19.908	21.087	23.374	24.278	24.042	24.903	117.684
OT	18.434	20.501	22.310	23.199	22.957	23.956	112.923
Commerce and Housing Credit (370):							
Total							
BA	14.577	8.692	7.442	6.827	6.405	6.080	35.446
OT	10.248	3.682	4.042	1.869	−0.011	−0.760	8.723
On-budget							
BA	17.077	10.792	10.242	9.727	9.705	9.580	50.046
OT	12.748	5.782	6.842	4.769	3.190	2.740	23.323
Off-budget							
BA	−2.500	−2.100	−2.800	−2.900	−3.300	−3.500	−14.600
OT	−2.500	−2.100	−2.800	−2.900	−3.300	−3.500	−14.600
Transportation (400):							
BA	62.937	64.216	64.311	64.442	64.539	64.638	322.146
OT	59.280	62.061	64.287	65.770	66.496	66.998	325.612

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

Mr. THOMPSON of California. Mr. Speaker, I yield myself 15 seconds to respond briefly to my friend.

Mr. Speaker, this motion to instruct is not about tax cuts, it is about balancing the budget. In 1993, when we had PAYGO rules, we passed tax cuts. In 1997, with PAYGO rules, we passed tax cuts. This is merely saying if a bill is important enough to pass, it ought to be important enough to pay for. The American people deserve it.

Mr. Speaker, I yield 5 minutes to my friend, the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of the Committee on the Budget.

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

Mr. SPRATT. Mr. Speaker, I thank my good friend and fellow colleague on the Committee on the Budget for bringing this motion to instruct to the floor, and I rise to urge support amongst all Members, both sides of the aisle, for this motion to instruct conferees.

What does this motion do? It simply directs the conferees, who will be appointed today, to accept the pay-as-you-go provisions included in the Senate-passed budget resolution, which would make PAYGO applicable to both entitlement spending increases and tax decreases. It would make those steps on either side of the ledger deficit neutral in order to pass.

Let us not forget that we have a deficit this year of $521 billion, and if you take the President's budget as projected by the Congressional Budget Office, the deficits over the next 10 years will accumulate to $5.132 trillion. That is why this motion is necessary.

The Senate resolution creates a PAYGO point of order against any tax cut or any entitlement increase that adds to the deficit, the bottom line of the budget. That point of order can only be overridden by the vote of 60 Senators.

The gentleman here says, well, it takes 60 votes because of the filibuster rule to pass anything in the Senate. But there is a way around the filibuster rule in the budget process called reconciliation. If a tax cut is included in the reconciliation provisions of a budget resolution which is passed by majority vote, by one vote is all that is necessary, then reconciliation can dispense with the 60-vote requirement.

So, in order to have at least 60 Senators stiffen their spines and stand up and say, and I would like to see the same procedures in the House, no, we are not going to commit this act of further increasing the deficit, this rule would apply.

In contrast to the PAYGO provision in the Senate budget, the House budget resolution which we passed last week by a narrow margin contains what I can best describe as a half measure. It is nonbinding language. It endorses a single-edge PAYGO rule, by which I mean it applies only to entitlement spending and not at all to revenues. The one-sided PAYGO rule in the House Resolution would make no effort whatsoever, none, to temper tax cuts, although, since 2001, tax cuts have added four times as much to the deficit, mounting deficit, as entitlement increases have.

Ironically, ironically, this form of PAYGO would also open the way to initiatives that might otherwise be spending entitlements. That is because it could allow them to become law as tax expenditures, put in the Tax Code, called tax cuts, without being offset, and this could actually worsen the deficit and further complicate the Tax Code.

The original PAYGO legislation was part of a budget summit agreement that was reached between the first President Bush and Congress in 1990. That rule was extended in 1993 and 1997 but allowed by Congress and the second President Bush to expire in 2002.

The original PAYGO rule cut both ways. It applied to both revenue decreases and entitlement increases, and it worked, Mr. Speaker, it worked. It was one of the basic steps that we took in a long, arduous journey that moved the government out of mammoth deficits, $290 billion in 1992, to huge surpluses, $236 billion in 2000.

The Senate version simply restores the rule to its original form, that is all. In the House Committee on the Budget, the renewal of PAYGO in its original form was explicitly endorsed by none other than the chairman of the Federal Reserve, Mr. Greenspan.

I asked him myself, Mr. Chairman, do you support the restoration of the PAYGO rule in its original form?

He said, absolutely, I do.

I asked, Mr. Chairman, would you apply it to expiring tax provisions?

Yes, sir, I certainly would.

He was unequivocal in his support for it.

So also is the AARP, the Concord Coalition, the Committee For Responsible budget, anybody who is a responsible, informed observer of the budget process, who knows what PAYGO did for the 1990s, it stiffened our spine and helped us put the budget into balance for the first time in 30 years. We need it today more than we did then, because we have, as I said, a deficit of $521 billion. We have a cumulative deficit over the next 10 years of $5.136 trillion if you do not include Social Security.

We need the PAYGO rule with both edges applicable today as like never before in both houses, the House and the Senate. If nothing else, if nothing else, this can be the one bold step we take in a budget that otherwise does very little to move us out of deficit.

So I urge everyone, vote for the motion to instruct, vote for PAYGO in its original proven-to-work form, applicable both to entitlement increases and tax decreases, vote for this motion, and reinstate one of the best rules we have ever had for putting the budget in balance.

Mr. NUSSLE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we buy and they pay. We buy and taxpayers pay. This is an attempt, in my view, to look for a tax increase. That is what this is about, increasing taxes.

We should not allow the Senate to impose a rule on the House. Sixty votes in the Senate just makes it harder to jump through yet another hoop in the Senate, and then I suppose one 60-vote hoop is more than enough. But we should not allow the Senate to impose those rules on the House.

If we are here to talk about rules of the other body, I could think of some good rules. How about a 51-vote rule for judges? We have got a lot of judges we need to appoint in this country. How about 51 votes? How about a new rule that says for voting on judges, it only takes 51 votes instead of 60?

How about a rule for the other body that says all bills shall be debated for not longer than 100 hours? That would be a pretty good rule. Not for the people watching C–SPAN necessarily, who would have to sit through a 100-hour debate, but do you not think one hour per senator would be enough to debate just about any bill? You would think so.

But, unfortunately, the way it works right now, it is unlimited. They could take up a bill and filibuster it for the rest of their lives, as long as they could stand on their feet.

So, there are a lot of rules that I would like to impose on the other body, if we wanted to talk about imposing rules.

I do not want to have the other body imposing rules on us. If we are serious about budget enforcement, we should pass a law, and that is the reason that we passed a very strong budget enforcement law on spending out of committee at the same time we passed the budget resolution.

That stronger bill is a bill that will be coming to the floor after we come back from the Easter recess, the district work period. It is not just a rule that can be waived, either by the House or by the other body, but it is a rule, it is a law, that is in statute, that actually helps us control spending. If you need to stiffen someone's spine, there is nothing like a law, rather than a rule, which have been traditionally and, unfortunately, waived.

It seems to me that, and parenthetically I would say to my good friend from South Carolina, we do not have a rule within the resolution with regard to spending, pay-as-you-go spending. The House did not pass a similar rule with regard to spending. But we do have a bill that we want to come to the floor after the district work period.

Again, the reason is because we believe on this side that spending is the concern, that is what you pay for, and that is what we should make sure we pay for, not reducing taxes to taxpayers.

Mr. THOMPSON of California. Mr. Speaker, I yield 3 minutes to my distinguished Blue Dog colleague, the gentleman from Hawaii (Mr. CASE).

□ 1045

Mr. CASE. Mr. Speaker, I rise in full and unqualified support of my colleague from California's motion, a motion that asks this House to do what the Senate, on a bipartisan basis, has already done, a motion that Democrat and Republican Presidents, Democrat and Republican colleagues of Congress have passed; that the conservative Concord Coalition as well as Federal Reserve chair Alan Greenspan supports; a motion that any business, family, or consumer can understand and has to live by and, frankly, a motion that most Republicans in this Chamber would probably love to vote for, if only they could. It is a motion that stands for this basic principle: when you balance a budget, it is not balanced unless and until you balance it all.

Mr. Speaker, what is so hard about PAYGO? Why can my House colleagues on the other side of the aisle, in the party that professes budget discipline, not see what their own colleagues in the Senate see clearly? Is it a failure to understand, is it a failure to agree, or is it a denial of reality?

I cannot believe it is a failure to understand. My own teenage son understands that when he balances his budget, he cannot leave out any part of it. He cannot leave out the spending. He cannot leave out any potential reductions in income. My neighbors and I understand that there is a difference between a budget that has a home mortgage payment in it and a budget that does not. If my wife comes to me tomorrow and says, I am going to be making less next year than I made this year, do I ignore it in my budget calculations? No.

The States understand it. Every State understands PAYGO and practices it. Why? Because they have something that we do not have here: they have a balanced budget requirement. When they have a balanced budget requirement, they have to balance all of their budget.

It cannot be a failure to understand. If it is, we are all in trouble. I would like to believe it is a failure to agree; but then I would like to have a conversation, substantively, about what we do not agree on. No, I think it is a conscious failure to accept reality or, perhaps worse, an attempt to spin, to deceive, to accomplish a result by means other than up front.

Mr. Speaker, this is not about the substance of whether to reduce or increase taxes. This is not about the substance of whether to reduce or increase spending. This is about the consequences of actions. This is about the consequences of whether we reduce or increase taxes. This is about the consequences of reducing or increasing spending.

My colleagues are telling me that there are no consequences of a $2 trillion aggregate tax cut. That is like saying there are no consequences of increasing our budget by $2 trillion. Of course there are consequences. Do we want to talk about it in a budget context? Okay, fine. Let us talk about the tax cut. Let us talk about the dynamic

impact. Let us talk about jobs that may or may not be created, income coming in. But let us calculate it, factor it into a balanced budget. That is all this motion does. Let us live within our means and pay as we go.

Mr. NUSSLE. Mr. Speaker, I yield myself 1 minute to respond.

The gentleman used an excellent example about his son; and the next time he has this allowance conversation with his son, because I have a son and I have this conversation once in a while as well, I want the gentleman to tell him that he actually does not get an allowance. He actually pays for an allowance. Is that not interesting? Do we think that would go over very well? I know it would not go over very well with my 13-year-old son. He would not understand how in the world he pays for an allowance. I pay his allowance. The gentleman from Hawaii pays his son's allowance. The taxpayers pay the Federal Government's allowance, called taxes. They pay. We buy, they pay. People should not have to pay for taxes when they have already been paid for by the taxpayers, and that is the whole discussion that we are having here today.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. PUTNAM), a member of the Committee on the Budget.

Mr. PUTNAM. Mr. Speaker, I thank the gentleman from Iowa for yielding me this time, as it is a very important debate that we have here today.

The gentleman from Hawaii referred to consequences, and that is important. As a younger Member of the House, I like to view things for the long haul. We talk about the consequences of the decisions that are made here, not just for the next election cycle or the next fiscal year, or to put a Band-Aid on this budget, but the long-term fiscal consequences.

Frankly, I have been encouraged by a great deal of the debate that took place throughout the budget hearings and throughout the debate on the floor, because the positive consequence of this rising Federal deficit has been that we have attracted a good deal more fiscal conservatives to the cause. But the consequences of the Democratic amendments in committee were 28 billion new dollars in new spending. The consequences of the amendments in that markup were nearly 30 billion new dollars added to the Federal deficit, the consequences that would be borne by the next generation of Americans and taxpayers.

This debate centers around core values. Everyone, I think, is coming around to the idea that the deficit is a great, great problem that has to be dealt with. But when we get down into the details, the other team's plan wants to focus on making it more difficult to lower the tax burden on the American citizen, the American entrepreneur, the American homeowner, investor, worker; make it easier to increase the tax burden on that same group of hard-working, hard-charging, thoughtful, innovative Americans, and not deal with the real issue, which is spending. Nearly two-thirds of the Federal budget now is mandatory spending. It is on auto pilot. The debate, the fights, the arguments, the outstanding eloquent rhetorical discussions that take place on this floor are about over one-third of the Federal budget. That is it.

Our plan and the Spending Control Act, which has the force of law that was marked up in the Committee on the Budget and will be on this floor before Memorial Day, deals with mandatory spending. It deals with the fact that Congress has failed to make some of the tough decisions over the past generations to get their arms around spending; and as a consequence, we have been far outpacing the spending of the American household.

Now is not the time, when we have a dual challenge, the challenge of getting the economy going, putting people back to work, bringing small businesses the opportunity to have a piece of the American dream, now is not the time to make it easier to raise taxes. And for us to adopt as a consequence, for us to adopt the other body's half-baked, cockamamie, crazy schemes to deal with this issue is nuts.

All of us have a difficult time explaining why the other body's rules require us to phase down the death tax on farmers and small businesses and then, boom, miraculously it is reborn 10 years from now in its old, in its old full, former glory of the highest rate possible. All of us have a difficult time explaining why it was such a great idea to end the marriage penalty, but we have to vote on it again this year; otherwise, it comes back, or that the American people will lose the expanded child tax credit. It is because of the other body's cockamamie rules that we do that, and now we want to adopt another one of their cockamamie rules and make it even easier to raise taxes on the American people.

Now is not the time to turn back that clock, Mr. Speaker.

Mr. THOMPSON of California. Mr. Speaker, I yield myself 30 seconds to respond.

Mr. Speaker, first I want to just make sure everybody understands, this does not make it more difficult to raise taxes. This merely makes it honest to raise taxes. My friend from Iowa is correct, taxpayers pay all right. They pay $1 billion a day in interest on the national debt, $50 billion a year in interest to countries like China and Japan and the OPEC nations.

When budgets do not balance, taxpayers do pay. That is why we need PAYGO.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I rise in strong support of this motion to instruct the conferees offered by my colleague on the Committee on the Budget, the gentleman from California (Mr. THOMPSON).

We are on the verge of passing a $2.4 trillion budget with a $550 billion hole in it. Mr. Speaker, a $2.4 trillion budget with a $550 billion hole, showing that it is impossible to finance three wars with three tax cuts and get any other result. It has never been done in history. We are trying to do it now. What do we get for three wars and three tax cuts? A $550 billion deficit.

This budget by the Republicans perpetuates the President's economic policies of the status quo, failed policies that have led to a jobless economy and a wage recession. Nearly 3 million Americans have lost their jobs since he has been President; 43 million Americans are without health care, of which 33 million Americans work full-time and have no health care; 2 million Americans who, prior to this administration were in the middle class, are now in poverty; and nearly $1 trillion worth of corporate and individual assets have been foreclosed on in the last 3 years. What do they recommend doing? The same thing: put your foot on the accelerator and see if we can rush forward. And those are the results of the Bush economic policies.

What this PAYGO rule would be, just to be straight about it and not get into the, as some would say, cockamamie, arcane rules of the Congress, what this would do would force this Congress to pay for its policies. That is what this PAYGO rule would do, as cockamamie as it may sound; and it would change the economic direction of this Congress and this administration so we do not have the results of unemployment, lack of health insurance, lack of affordability on college education. That is what this would do.

It is a commonsense approach. It adopts what businesses do, families do, State governments do, and that is pay for the way you go. If you want to pay for more education, you have to do it.

Let me remind everybody, in the 1990s when we created 22 million jobs, poverty was cut in half, health care costs were contained, and we insured more Americans. This was part of that economic strategy that led to the greatest period of economic growth ever in American history. That was a piece, a central piece of the economic strategy. So it is about economic philosophy and strategy, but the results are in: one failed economic policies that have left more people without jobs, without health care, without the ability to afford college education; and one that had the greatest period of economic growth, greatest period of employment, and greatest period of poverty rates in the history of this country.

So that is what this debate is. I urge my colleagues to support the motion of the gentleman from California.

Mr. THOMPSON of California. Mr. Speaker, again, I yield myself such time as I may consume. In 1997, we cut taxes by $100 billion as part of the Balanced Budget Agreement. This does not

do anything to hamper tax cuts. It just says we have to be honest. We have to pay for them. Pass the tax cuts, but pay for them.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), the distinguished policy chair of the Blue Dog Coalition.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time. I would again point out, this motion is based on a simple philosophy that when you find yourself in a hole, the first rule is to quit digging. Take the shovels away from Congress and the President.

The budget enforcement rules Congress and the President enacted in 1990 were an important part of getting a handle on the deficits in the early 1990s and getting the budget back into balance. They have been tested and they have worked. There is no question that they significantly improve the responsibility and accountability of the budget process and were instrumental in going from large deficits in the 1980s to surpluses in the 1990s.

The principle of PAYGO, if we want to reduce our revenues or increase our spending, we need to say how we would pay for it within our budget, something all families have to do, because they understand it. If a family wants to give up a second job, they must first cut spending of what the second job is providing income for. That is so simple. Why is it so difficult for the majority to understand that?

If we want to reduce our revenues, we need to say what spending we will do without. If we want to increase spending, we need to say where it will come from. If we want to decrease revenues, where will it come from? If we are truly serious about restoring fiscal discipline, budget rules must apply to all legislation which would increase the deficit, both increased spending or reductions in revenues. All parts of the budget must be on the table.

Applying pay-as-you-go rules to tax cuts do not prevent Congress from passing more tax cuts, just the opposite. All it says is that if we are going to reduce our revenues, we need to reduce our spending by the same amount, just like families do.

□ 1100

Those who want to extend expiring tax cuts or make the tax cuts personal should be willing to put forward the spending cuts or other offsets necessary to pay for them.

My Republican colleagues continue to argue that budget rules should not apply to tax cuts because tax cuts will not increase the deficit. I wish they would actually look at the facts of what is happening.

To paraphrase Will Rogers, it is not what my Republican colleagues, particularly the budget chairman, do not know about the budget, because he knows a lot, that bothers me; it is them knowing so much that ain't so and continuing to come to this floor and saying it.

We have enacted now three tax cuts based on the theory that tax cuts will stimulate the economy and pay for themselves as a result of economic growth, and yet the deficit continues to grow. That is what we are here talking about: the deficit.

The budget written by the gentleman from Iowa (Mr. NUSSLE) that Congress passed last year said that revenues would be $1.9 trillion in 2004. The President's budget came forward and said $1.8. That is $100 billion difference in estimates. That is all we are saying, that what do we do with that $100 billion? We borrow it. We continue to pass on all of these debt and deficits to our children and grandchildren.

If my Republican colleagues actually mean what they say about controlling spending, they should have no problem with applying pay-as-you-go to tax cuts. Because it would force Congress to control spending when we pass the tax cuts instead of just promising to do so in the future.

The problem is, the actions of my Republican colleagues have not matched their rhetoric. If they match their rhetoric and actions, they will find significant bipartisan support to get our fiscal house back in order. That is what they are not doing. That is why we should support this motion to instruct.

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

Mr. Speaker, we borrow it because we keep spending. The gentleman from Texas (Mr. STENHOLM) said, ''What happens? It is because we keep spending. We keep spending.''

I mean, the gentleman, I know he wants to respond, so let me just get in a couple of other jabs here, too, because he made some good points. But the gentleman said that, just like a family, if they reduce their income, they got to figure out how they are going to make ends meet. I agree with the gentleman.

The difference is, our income is not being reduced. Our income to the Federal Government, which comes from taxpayers who pay the taxes, and I know the gentleman knows that, but I am going to keep stressing it, they are paying more and more and more even with the tax relief that we have provided under this budget being made, as we say around here, permanent, which only means until the Senate figures out some cockamamie rule, as the gentleman from Florida said, that makes them all of a sudden snap back. They are only permanent until the Senate allows them to snap back under their rule.

So that is the problem we have got. We do not want another rule to make them just more difficult to be made permanent.

But, as the gentleman said, if there was less income coming in every year, the gentleman's points would be much stronger. But there is not less income. From this year to next year, first of all, $1.8 trillion. Next year, it will be $2 trillion. $200 billion more will come in next year than this year, even with the tax relief packaging made permanent.

So why do we keep borrowing? Because we keep spending. That is what this is all about. There are two sides of the ledger. There is an expense side and an income side. We do not pay for the income side. There is no reason for us to pay for the income side. Because that income side comes from taxpayers. The pay-as-you-go is from them.

The gentleman very eloquently said, when you are in a hole, stop digging. And my retort back to the gentleman from Texas (Mr. STENHOLM) is, when you are in a hole, stop digging in the pockets of taxpayers. That is the point that we are trying to make. They pay the taxes. Congress does not need a rule in order to have some kind of mechanism to pay for something we do not pay for.

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

Mr. THOMPSON of California. Mr. Speaker, I yield 15 seconds to the gentleman from Texas (Mr. STENHOLM) to respond.

Mr. STENHOLM. Mr. Speaker, my friend, the budget chairman, again continues to listen to only part of what I say. The revenue is not meeting the estimates of what he is saying in his budget, therefore, we had to borrow another $110 billion in order to make up for it because his guesstimates are not, in fact, doing what is being said on this floor.

And spending is not my fault. The majority is the one that is spending all of this money they are talking about. It is time they take the responsibility for their own record on spending. They are spending it, not the minority.

Mr. THOMPSON of California. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. COOPER), a distinguished Blue Dog colleague and member on the Budget Committee.

Mr. COOPER. Mr. Speaker, the last point made by my friend from Texas (Mr. STENHOLM) is entirely true. The House and the Senate have been under Republican control for some time now. The spending that has occurred on their watch exceeds the highest levels previously in American history, exceeded spending rate of growth under LBJ.

It is wrong for them to deny responsibility for the spending surge that has occurred. The Heritage Foundation, the CATO Institute, other conservative Republican think tanks have pointed out the spending explosion has taken place under their watch, under their leadership, with their votes. The vote we are about to cast on the motion to instruct is one of the most important votes that we will cast in this Congress or in many people's careers in this Congress because PAYGO, pay-as-you-go, is one of the most important principles that we have in this body to control spending and to get our deficit under control.

This is not a theory. It has worked and worked well beginning with the

first President Bush through the Clinton administration to tame budget deficits.

But now we are faced with the largest budget deficit in American history. We need that same spending control device. It is not theory. Ask Chairman Greenspan, one of the great economists of our time. He could remember the very day that the previous PAYGO requirement expired, September 30, 2002, because that was a black day in modern American history. It basically told this Congress and the Republican majority, spend as you will.

We need PAYGO back and we need real PAYGO, not fake PAYGO, not play-go, not pretend-as-you-go. We need real PAYGO, the way our bipartisan Senate has passed it, so that we can get our budget deficit under control.

This is a kitchen-table issue. People back home understand it. I am happy to defend this in any civic club in America, because small business men and women, they understand they have to pay their bills. One has to pay their bills. They cannot understand why this Congress gets so wrapped up in some sort of ideology or something we forget to pay our bills, and that is why we have the largest budget deficit in American history going on today under Republican leadership.

We have to have PAYGO. It should have been passed in the budget last week. It was not. This is a chance to try to correct that mistake.

So I would urge my colleagues, men and women of goodwill on both sides of the aisle, to set partisanship aside, to think common sense again, to think kitchen table, to follow the advice of Alan Greenspan, to follow the leadership of the bipartisan Senate vote on this issue and have real PAYGO again. Pay as you go so that we will not increase our deficit anymore.

As my friend, the gentleman from Texas (Mr. STENHOLM) said, we will stop digging the hole that we are in. It is already $521 billion deep. It is not just a 1-year hole. We are facing such a massive structural budget deficit that the President's own budget as submitted to this Congress said that the current path we are on is unsustainable.

Mr. THOMPSON of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER), our Blue Dog colleague.

Mr. TURNER of Texas. Mr. Speaker, we are on this floor today trying to get our financial house back in order, trying to get this House to adopt a very simple, straightforward rule requiring us to pay as we go that has already been adopted by the Senate.

And it is really hard for me to understand why our Republican colleagues do not want to do this. I always thought they were the party of fiscal conservatism. They always wanted to balance a budget. Yet now they come to the floor and claim that the only remedy here is to cut spending when, in fact, they control both Houses of the Congress and they control the White House. So if they think that is the answer, why do not they get on with it?

We just simply believe that you have got to run the Congress and the Federal Government like we do any household or any business. We have got to pay our bills. We have got to pay as we go. And why do we think that is so important? We think it is important because next year it is projected we will have the largest Federal deficit in the history of this country, over half a trillion.

We are going to come to this floor, and we are going to vote on 13 appropriations bills as we do every year to fund this government, and we are going to borrow 60 percent of that total of those 13 appropriations bills. One could not get by with that at home. One could not get by with that in their business. One cannot get by with it at city government, county government, State government. Why do they think we can do it here in Washington?

My colleagues act like it just does not matter anymore, that somehow they can just say it is all going to work out when they presented a budget that never even purports to get back into balance.

And deficits do matter. They are making this country weaker. How can we defend against terrorism if we do not have any cushion to fall back on financially? How can we expect to get this economy going again and how can we expect to avoid the high interest rates that everyone projects in the future that will be contributed to by the fact that the Federal Government is borrowing all these billions of dollars?

Deficits do matter. That is a simple rule adopted by the Senate to try to impose a little discipline on this Congress, on this House. And the truth of the matter is, if you vote with us, the Committee on Rules majority can waive this rule any time they get ready and my colleagues can do whatever they want to out here.

All we are trying to do is send a clear message that this Congress and the fiscal conservatives in this Congress believe we need to get back to balancing our budget, paying as we go, and recognizing that deficits do matter because they make this country weaker, they make us have an inability to have a strong economy, they make it impossible for us to be able to have a strong national defense.

And it is morally irresponsible to pass on debts created by this generation to the next generation. We have got soldiers today in Iraq fighting for this country that are going to come home and enter the private sector and get to pay the bills for the war that they are fighting that we refuse to pay for.

There has never been a war in the history of our country where the American people did not step forward and pay the bills for the war. This is the first. We want fiscal discipline. We believe it is important for this country.

Mr. NUSSLE. Mr. Speaker, I yield myself 30 seconds to respond.

Mr. Speaker, first and foremost, let me say to the gentleman from Texas (Mr. TURNER) there is not a Member on this side that is refusing to pay for the bill for the war. And if we want to roll out the record votes in not only this body but also the other body for who paid for our men and women over in the field, I will be glad to do that. Because there will be a very interesting name that is left off the list. He happens to be running for President right now.

The second thing the gentleman said is that we have to pay our bills, and we agree. Who gets the bill for taxes? Taxpayers get the bill for taxes. They pay the taxes. Nobody else.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on the Budget.

Mr. PORTMAN. Mr. Speaker, I thank my friend, the gentleman from Iowa (Mr. NUSSLE), the Committee on the Budget chairman, for bringing forward a budget that this House could support which does, in fact, get spending under control and does grow the economy.

And let me respond briefly to my friend from Texas who just spoke and my friend from Tennessee who spoke before that about spending. Because they seem to be saying that somehow the Republicans do not care about deficits, do not care about spending. Nothing could be further from the truth.

Let us talk about the truth. The Democratic substitute, which my friends on the other side of the aisle voted for, has not less spending, it has more spending. In fact, in 2005 alone it has $21.6 billion more spending. Over 5 years, it has $135 billion more spending. And that is more spending on education, they want more spending on the environment, they want more spending on health care, they want more spending on science, they want more spending on homeland security, they want more spending on international commitments. More spending, not less spending.

Now, they will say in response, well, we pay for our spending. How do they pay for it? By raising taxes. And who do they raise taxes on? They raise taxes on what they say are the wealthy. Turns out a lot of the wealthy are small businesses. Because most small businesses in this country pay their taxes through the individual tax system. Therefore, you are not an entrepreneur. You are an innovator. You are the person out there creating jobs. Because most jobs are created by small businesses, you are going to get taxed for more spending.

Now, I know people do not like to hear the tax and spend characterization, but that is what it is. It is more spending, and it is more taxes. And all the budget enforcement in the world is not going to help if you take this approach of more taxes and more spending. That is what they have chosen to

take. That is the honest truth. That is the difference that we are talking about here.

Now the question is, how should we enforce whatever budget we think is right? We think there ought to be less spending, and we think there ought to be a continuation of the tax relief. And, incidentally, we think that for a very simple reason, because we know when we look back at history the only way to get the deficit under control is by growing the economy and restraining spending.

□ 1115

That is exactly what the gentleman from Iowa (Chairman NUSSLE) has rolled out in his budget that this House has supported. It is the only way it works.

In 1997 we learned that. On a bipartisan basis we stood together and said we are going to get this budget under control. We said we will get it under control within 5 or 6 years, by 2001 or 2002. It happened in 2 years. Why? Because the economy grew.

Getting the economy to grow is absolutely the reason we put the tax relief in place in the first place and it is working. We had the fastest economic growth in the last 6 months in the most recent data we have than we had in 20 years. Jobs are coming back, not as fast as we would like; but jobs are coming back as we see the economy is growing. It is working

Why would we want to at this point go back to raising taxes just as things are beginning to turn around, as we are getting the economy back on its feet? As the economy grows and as you keep spending under control, you get the deficit down. It is a very simple calculation. It happens to be one that works, and we know it works.

I would just like to say, with regard to the concerns about then how do we enforce the budget, and I have explained why I think our budget is better than the approach that my friends on the other side of the aisle have proposed, how do you enforce it, absolutely we should enforce it. I am all for PAYGO, as are the Members of my side of the aisle; and we have a commitment, as my colleagues know, from our leadership to bring a PAYGO bill, meaning you pay for spending as you go, before Memorial Day. We will do that, and that is very important. If you do not have a budget, though, you have nothing to enforce.

What we are saying is we ought to have a budget that allows the economic growth to continue, that restrains spending and then put in place the PAYGO rules.

They would like to have PAYGO rules include taxes. I would ask my colleagues, let us say a few years from now we go into another economic slump, as this President inherited from his predecessor. Would we not want to be able to put in place pro-growth tax relief as we have done three times in the last 3 years? I think we should be able to do that. I think we should be able to do that in a way that indicates that tax relief, appropriate tax relief is the way we grow the economy. So we need to be very careful not to equate spending and taxes.

I commend, again, my friend, the gentleman from Iowa (Mr. NUSSLE), for a great budget; and I commend him for encouraging our leadership to bring a PAYGO provision to the floor which will happen before Memorial Day.

Mr. THOMPSON of California. Mr. Speaker, I briefly yield 15 seconds to the gentleman from Texas (Mr. TURNER), ranking member of the Select Committee on Homeland Security, to respond to some comments that were made regarding national defense.

Mr. TURNER of Texas. Mr. Speaker, I want to respond to the chairman of the Committee on the Budget's comments.

We simply looked at our budget today, and we see that if we take all nondiscretionary spending that we are going to vote on in the 13 appropriations bills and we just eliminate all nondefense homeland security, we are not paying for the defense of homeland security portion of our budget. That is how bad a shape we are in.

So I would say it is fair to say we are not paying for defense, we are not paying for the conflicts that we are facing.

Mr. THOMPSON of California. Mr. Speaker, I yield 15 seconds to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, in the Democratic budget resolution, let me remind the gentleman, we incur a lower deficit than their resolution. Every year for 10 years, we incur $1.2 trillion less debt than the President's resolution, and we merely bring spending back to baseline so that we can restore what is needed for priorities like education and veterans health care.

Mr. THOMPSON of California. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from California (Mr. THOMPSON) has 4½ minutes remaining. The gentleman from Iowa (Mr. NUSSLE) has 3½ minutes remaining. The gentleman from California has the right to close.

Mr. THOMPSON of California. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

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

Mr. PRICE of North Carolina. Mr. Speaker, this chart tells an important story about pay-as-you-go rules, about the importance of the real pay-as-you-go rule that was adopted as part of the bipartisan budget agreement in 1990 and the folly, as our budget goes back into deep deficits, of adopting a phony pay-as-you-go rule going forward.

Members who were here in the 1980s remember the well-intentioned, but ineffectual, Gramm-Rudman-Hollings procedures, where there was rampant gaming of the budget process, all kinds of rosy scenarios that ultimately failed to mask rising deficits.

Finally, in 1990, the first President Bush—who, unlike the present President Bush, understood the first rule of holes, which is if you are in one, stop digging—the first President Bush joined with the then-Democratic congressional leadership to conclude a courageous 1990 budget agreement which put the pay-as-you-go rule in effect. That proved to be very hard to game. It proved to be effective, along with the statutory caps on discretionary spending. And so, along with the 1993 Clinton budget plan passed with Democratic votes alone, the two budget plans, 1990 and 1993, with tough pay-as-you-go rules, produced the reduced deficits throughout the 1990s and actually took us into surpluses, now only a fond memory, surpluses that enabled us to pay off almost $500 billion of the national debt.

In 1997, we concluded another bipartisan budget agreement. Our friend, the chairman of the Committee on the Budget, was one of 219 Republicans who voted for the renewal of the 1990 pay-as-you-go rule, a real pay-as-you-go rule, the one that they now disparage.

We are now going back into deep deficits. What an inopportune time, not only to let the pay-as-you-go rule expire, which our friends on the other side of the aisle did a couple of years ago, but now to propose a defective rule that has no promise for getting ahold of this situation!

It is like trying to fill a bucket with water when there is a hole in that bucket. We can simply not balance the budget with constraint on the entitlement side alone.

Our friend Mr. NUSSLE has talked about the revenues that are going to be coming in future years. What he did not mentioned was the revenue picture from 2000 to the present, where we have each year had reduced revenues coming in, the price of tax cuts that were not paid for.

So we need a real pay-as-you-go rule that follows the formula that worked so well in the 1990s. The Republican proposal is a sham, and I urge my colleagues to vote for the motion to instruct.

Mr. NUSSLE. Mr. Speaker, could I inquire how much time is left.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) has 3½ minutes remaining. The gentleman from California (Mr. THOMPSON) has 2½ minutes remaining.

Mr. NUSSLE. Mr. Speaker, I would say to my friend from California, I have no other speakers; and I am prepared to close if the gentleman is.

Mr. THOMPSON of California. We are prepared to close.

Mr. NUSSLE. Mr. Speaker, I yield myself the balance of the time.

There was a gentleman earlier who indicated that this may be the most

important, the most important vote in a congressional career. I have to say to the gentleman, I doubt it. This is a motion to instruct conferees. The conferees were just appointed, and it is what we refer to around here as a nonbinding resolution. Okay. I think we probably have had a few other votes that are more important than a nonbinding resolution to tell conferees to do something in the other body and apply a rule to our body, but I will play along just for the sake of the debate because I think it is an important debate, even though it may not be the most important vote.

Our friends on the other side have, as I said, during the budget they have learned the words of fiscal responsibility, but they have not yet learned the music. The words are real easy to say, When you are in a hole stop digging. Well, of course, when you are in a hole stop digging, but stop digging in the pockets of the American people for more of their money so that you can keep digging, which is exactly what they did.

They presented a budget alternative on the floor that kept digging, and what did they do in order to stop the digging? They were digging in the pockets of the American people for more of their money called taxes. Why do they do that? Because they know who pays taxes. We do not pay taxes. The Federal Government does not pay taxes. The Congress, as a body, pays taxes individually but not the Congress, the House of Representatives or the other body. The only people in this country that pay taxes are taxpayers, and so when we apply a pay-as-you-go and increase spending, guess who pays. We go and they pay. We buy and they pay. All the time, more spending, they pay.

The second thing the gentleman from other side said, well, you have got to pay your bills. We agree and we will be bringing a bill to the floor that says you should pay your bills. Now you should not have to bring a law to the floor that says pay your bills. I would agree with the gentlemen on the other side that have said we have lost that discipline and we need to get that back on the spending side. There is no question, and we will do that; and we will have a debate on spending and paying your bills, and we should have that debate. But who gets the tax bill?

When a bill is presented, you pay it. Who is presented the bill for taxes? The taxpayers, that is who pays. So by saying we should have pay-as-you-go for taxes, my colleagues are basically saying we want to take more money from the American people.

We have heard about children's allowances. I want my colleagues to apply this principle to their kids and actually go to them and say, guess what, Johnny, you did not know this, but you pay for your own allowance. I mean, that is not only a head scratcher for them, but if a family was faced with this, we have heard a lot about families and kitchen tables today. If a family found out that the amount of money they were bringing in was increasing, all right, every year, their income, what would they do in order to deal with the hole that they were in? They would tighten their belt, and this is exactly what we have done. They would not say, all of the sudden, let us pay for an increase in taxes by some offsetting income. That is a goofy rule.

You pay for taxes as a taxpayer, not as the government. The government pays for spending. That is where the rules should apply. Let us vote down this motion to instruct.

Mr. THOMPSON of California. Mr. Speaker, I yield myself the balance of the time.

This has been a very interesting and very telling debate. It has been a debate about paying our bills. Unfortunately, our colleagues across the aisle have tried to make this into some bogeyman about tax cuts, and there is nothing, nothing that could be further from the truth.

This is about balancing our budget and paying for what we spend. My friend from Iowa's constituents in his district and my constituents on the north coast, if they go in to get a farm loan or a car loan or a home mortgage loan, the bank looks at both their spending patterns and their revenue source. That is because they understand that the difference between spending and revenue is the deficit, something we all agree we have to get under control.

The chairman and the gentleman from Ohio (Mr. PORTMAN) understood this, too, back in 1997 when they joined 217 other Republicans to vote for a measure that put PAYGO in place; and I might add that PAYGO that they voted for in 1997 was actually stronger than the language that we are voting on today. It was statutory and they voted on a measure with Democrats, bipartisan measure, that passed a $100 billion tax cut as part of that budget agreement.

I would be interested in knowing what has changed today other than the fact that our deficit and our debt is much higher than it was back then.

Mr. Speaker, if this Congress is serious about deficit reduction, this Congress needs to stand together, and we need to vote to support the PAYGO rules that apply to both revenue and spending. Our constituents today deserve it, and future generations deserve it. I urge my colleagues to vote ''yes'' on this motion to instruct.

Mr. MICHAUD. Mr. Speaker, the motion before the House today is very simple. The question is: Do we want to pay for spending and tax cuts or do we want to pass this burden off on our children?

Will we run the government like there is no limit to our debts or will we act responsibly, and work to balance our books?

The other body has passed responsible pay as you go rules thanks to bipartisan support, especially from the delegation representing my home State of Maine.

The State of Maine is full of small business owners, farmers, and fisherman—working families that must balance their own books.

Before my time here, I spent 22 years in the Maine Legislature. We always worked together in a bipartisan way to pass balanced budgets.

Pay as you go budget rules should allow us the opportunity to work in that same bipartisan way here in Washington.

Nearly all of us can agree that we need to return the budget to balance. The American people know, and we know that we cannot run deficits in excess of $230 billion year after year.

The best way that we can do this is to make sure that any policy that would increase the deficit is paid for.

The American people want to run our own government responsibly.

I urge my colleagues in both parties to pass this motion and show the American people that we will work to balance the books.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

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

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

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

The Sergeant at Arms will notify absent Members.

This vote will be followed by a 5-minute vote on the motion to instruct conferees on Senate Concurrent Resolution 95.

The vote was taken by electronic device, and there were—yeas 353, nays 55, answered ''present'' 1, not voting 24, as follows:

[Roll No. 96]

YEAS—353

Abercrombie	Akin	Allen
Aderholt	Alexander	Andrews

Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
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
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Sullivan
Sweeney
Tauscher
Terry
Thomas
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—55

Ackerman
Baird
Baldwin
Ballance
Brady (PA)
Capuano
Cardoza
Cooper
Costello
Crane
Davis (TN)
DeFazio
English
Filner
Ford
Gillmor
Graves
Green (TX)
Gutknecht
Hart
Hefley
Hinchey
Johnson, E. B.
Larsen (WA)
Larson (CT)
Latham
LoBiondo
McDermott
McGovern
McNulty
Miller, George
Moore
Oberstar
Olver
Otter
Pastor
Peterson (MN)
Platts
Ramstad
Sabo
Schakowsky
Sherwood
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Turner (TX)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—24

Barton (TX)
Bell
Berman
Blackburn
Conyers
Culberson
DeMint
Dingell
Fossella
Frank (MA)
Gephardt
Harris
Houghton
Hoyer
Hulshof
Knollenberg
Neal (MA)
Sanders
Stark
Tanner
Tauzin
Taylor (NC)
Thornberry
Waxman

□ 1153

Mr. BLUNT and Ms. MCCARTHY of Missouri changed their vote from ''nay'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KNOLLENBERG. Mr. Speaker, on March 29, 2004 and the morning of March 30, 2004, I was unavoidably absent and missed rollcall Vote Nos. 94, 95, and 96. For the record, had I been present, I would have voted: Rollcall Vote No. 94—"Yea"; rollcall Vote No. 95—"Yea"; rollcall Vote No. 96—"Yea."

MOTION TO INSTRUCT CONFEREES ON S. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question on the motion to instruct conferees on the Senate concurrent resolution, S. Con. Res. 95.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. THOMPSON) 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 209, nays 209, not voting 16, as follows:

[Roll No. 97]

YEAS—209

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bereuter
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—209

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan

Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bell
Berman
Burton (IN)
Conyers
Culberson
DeMint
Fossella
Frank (MA)
Gephardt
Houghton
Hoyer
Hulshof
Neal (MA)
Tanner
Tauzin
Taylor (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PARLIAMENTARY INQUIRY

Mr. THOMPSON of California (during the vote). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman may inquire.

Mr. THOMPSON of California. Mr. Speaker, everyone has voted. How long does the Chair plan to keep the roll open?

The SPEAKER pro tempore. It is a minimum 5-minute vote.

Mr. THOMPSON of California. So what is the maximum, Mr. Speaker?

The SPEAKER pro tempore. There is no maximum.

Mr. THOMPSON of California. Mr. Speaker, I thought that we had House rules that limited the time that the roll could be kept open.

The SPEAKER pro tempore. There is no House rule that limits the time. Rule XX provides a minimum time.

Mr. THOMPSON of California. Mr. Speaker, how long will the Chair keep the role open on this particular vote?

The SPEAKER pro tempore. Until all the Members wishing to vote have voted.

Mr. THOMPSON of California. Mr. Speaker, how long has the roll been open?

Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. THOMPSON of California. Mr. Speaker, how long has the roll been open on this 5-minute vote?

The SPEAKER pro tempore. Thirteen minutes on this minimum 5-minute vote.

Mr. THOMPSON of California. How much longer does the Chair plan to keep the roll open?

PARLIAMENTARY INQUIRIES

Mr. SPRATT (during the vote). Mr. Speaker, parliamentary inquiry.

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

Mr. SPRATT. Mr. Speaker, if the purpose of setting the vote at 5 minutes was to save time, the House's time, what purpose is served by allowing the roll to stay open for more than 20 minutes?

The SPEAKER pro tempore. The Chair is exercising his discretion.

Mr. SPRATT. Mr. Speaker, but if the original purpose was to save time, why are we now extending time?

The SPEAKER pro tempore. The Chair is exercising his discretion and can do so under the rule.

Mr. SPRATT. Can the Chair give us an estimate of when he expects to close the roll and announce the vote?

The SPEAKER pro tempore. The Chair cannot predict the future.

Mr. RANGEL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. RANGEL. Mr. Speaker, could the brilliant Chair share with us the basis of his discretionary decision on this most important vote?

The SPEAKER pro tempore. The Chair has the discretion as to when to close a vote.

Mr. RANGEL. I know that, Mr. Speaker.

The SPEAKER pro tempore. After the minimum time has expired.

Mr. RANGEL. Mr. Speaker, we will never challenge the Chair's discretion, because we appreciate the intelligence which he brings to this august body. So that is the reason why we should like to support the Chair if he could only share with us the basis of his decision.

The SPEAKER pro tempore. Another Member has entered the Chamber to vote.

Mr. RANGEL. Mr. Speaker, I think this one vote has answered my question. The Chair wanted just one more affirmative vote.

□ 1222

Messrs. DUNCAN, OSE, SMITH of Michigan and WHITFIELD changed their vote from ''yea'' to ''nay.''

Mr. OWENS changed his vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOYER. Mr. Speaker, I was unavoidably detained on rollcall 97, the motion to instruct conferees. I was attending a memorial service for the wife of a very dear friend and, therefore, could not attend. Had I been in attendance, I would have voted for the motion to instruct, which I understand would have made the tally 210 for and 209 against.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Chair appoints the following conferees: For consideration of the Senate concurrent resolution and the House amendment, and modifications committed to conference: Messrs. NUSSLE, PORTMAN and SPRATT.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, 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, rule XX.

RECORD votes on postponed questions will be taken later today.

WELCOMING THE ACCESSION OF BULGARIA, ESTONIA, LATVIA, LITHUANIA, ROMANIA, SLOVAKIA, AND SLOVENIA TO THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 558) welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO), and for other purposes, as amended.

The Clerk read as follows:

H. RES. 558

Whereas since 1949 the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its allies in Europe and North America;

Whereas since 1994 Congress has repeatedly endorsed the enlargement of NATO through the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, the European Security Act of 1998, the Gerald B. H. Solomon Freedom Consolidation Act of 2002, the Transatlantic Security and NATO Enhancement Resolution of 2002, and House Concurrent Resolution 209 (2003);

Whereas NATO heads of state and government, meeting in Prague on November 21, 2002, invited Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to commence accession negotiations with NATO;

Whereas on March 26, 2003, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia signed accession protocols to the Washington Treaty of 1949;

Whereas on May 8, 2003, the Senate voted 96–0 to give its advice and consent to ratification by the United States of the seven accession protocols;

Whereas on March 2, 2004, NATO Secretary General Jaap de Hoop Scheffer announced that all 19 NATO members had deposited with the United States Government their instruments of ratification of the accession protocols;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have reformed their political and economic systems in preparation for NATO membership;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have undertaken defense reform programs that will enable each country to contribute to NATO operations and are working to meet the financial responsibilities of NATO membership by spending or committing to spend at least two percent of their gross domestic product on defense;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have contributed to military operations in Bosnia and Herzegovina, Kosovo, Afghanistan, and Iraq;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia became members of NATO on March 29, 2004, and are expected to be welcomed by NATO heads of state and government when they meet in Istanbul on June 28 and 29, 2004;

Whereas Albania, Croatia, and Macedonia, the remaining countries currently in NATO's Membership Action Plan, signed the United States-Adriatic Charter on May 2, 2003, thereby affirming their commitment to the values and principles of NATO, their willingness to contribute to the peace and security of southeast Europe, and their desire to join the Alliance at the earliest possible time;

Whereas in 2003 Congress, in House Concurrent Resolution 209, urged NATO to invite Albania, Croatia, and Macedonia to join NATO as soon as each of these countries respectively demonstrates the ability to assume the responsibilities of NATO membership through the Membership Action Plan;

Whereas the Governments of Albania and Macedonia supported Operation Iraqi Freedom and are contributing forces to stabilization operations in Iraq and to the NATO-led International Security Assistance Force in Afghanistan; and

Whereas the Government of Croatia elected in November 2003 has demonstrated its commitment to implementing reforms and meeting conditions for integration into Euro-Atlantic institutions, including the defense reforms necessary for NATO membership, and has contributed forces to the NATO-led International Security Assistance Force in Afghanistan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes with enthusiasm the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO);

(2) reaffirms that the process of NATO enlargement enhances the security of the United States and the entire North Atlantic area;

(3) agrees that the process of NATO enlargement should remain open to potential membership by any interested European democracy that meets the criteria for NATO membership as set forth in the 1995 Study on NATO Enlargement and whose admission would further the principles of the Washington Treaty of 1949 and would enhance security in the North Atlantic area; and

(4) recommends that NATO heads of state and government, meeting at Istanbul on June 28 and 29, 2004, should agree to review the enlargement process, including the applications of Albania, Croatia, and Macedonia, at a summit meeting to be held no later than 2007.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam 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. Res. 558, as amended.

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

There was no objection.

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

Madam Speaker, this Member is extremely pleased to offer this resolution welcoming the accession to NATO membership of seven Central European democracies: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia.

Yesterday, these seven nations became America's newest allies when their prime ministers presented Secretary of State Powell with their instruments of accession. Secretary Powell recalled their struggle for freedom and promised that ''by joining NATO's bond of collective security, Article 5 and all, you will remain free.''

Later, President Bush yesterday publicly welcomed their leaders to the alliance on the south lawn of the White House. In his remarks, the President noted, ''The countries we welcome today were friends before they were allies, and they were allies in action before becoming allies by treaty.''

The decision to admit former communist nations from Central and Eastern Europe, Madam Speaker, into the Atlantic Alliance, is one of the great successes of American and Alliance foreign policy since the end of the Cold War. It is a bipartisan success promoted by Republicans and Democrats in the Congress and by both the Clinton and Bush administrations. It is also a success in which the House of Representatives has played an important role.

Since 1994, the House has repeatedly declared its support for NATO enlargement and the fundamental role of NATO in transatlantic security. We recognize that throughout its history NATO has succeeded not only in keeping its MEMBERS free, but in extending that freedom to new lands that have long yearned for freedom's blessings.

Already, the three nations that joined NATO in 1999, Poland, Hungary and the Czech Republic, have been contributing to the Alliance and its operations in Bosnian and Herzegovina, Kosovo and Afghanistan. Furthermore, Poland has been a major contributor to Operation Iraqi Freedom and currently commands a multinational force in south central Iraq.

The current round of enlargement, the fifth in NATO's history, will further erase the dividing lines across Europe that were drawn at Yalta and will further extend the zone of peace and security in the North Atlantic region.

Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are already contributing to the Alliance, with each of these new allies contributing to one or more of NATO's ongoing operations. In addition, six of them have forces on the ground in Iraq.

That is far from their only contribution. Last year as president of the NATO Parliamentary Assembly, this Member traveled to all seven of these countries; and after those visits, this Member is confident that they and their membership will reinvigorate the Alliance. In fact, the new vigor is already being felt.

Because the citizens of these new MEMBER countries have recent memories of living under oppressive dictatorships, they are especially committed to NATO and its collective defense guarantee.

Having fought so long and hard to gain their freedom, they know how precious freedom is and how fundamentally important the defense of freedom remains. They have pledged that they are ready to defend their freedom and ours, and we are very fortunate to be able to call them our allies.

In addition to noting the accomplishments of the incoming NATO members and welcoming their accession to the Alliance, this resolution also reaffirms the support of the House for the process of NATO enlargement and for keeping NATO's doors open.

Finally, this resolution expresses our support for the remaining candidates for NATO membership, at this point, Albania, Croatia, and Macedonia.

To ensure that the enlargement process continues after the accession of the seven new members, the resolution recommends that the leaders of the NATO nations at this summer's Istanbul Summit ''should agree to review the enlargement process, including the applications of Albania, Croatia and Macedonia, at a summit meeting to be held no later than 2007.''

This language is consistent with the language of the relevant communique from the 1999 Washington Summit at which Alliance leaders welcomed Poland, Hungary, and the Czech Republic to NATO membership. That communique called for a summit meeting to review the enlargement process to be held ''no later than 2002,'' that is, 3 years after that summit.

Scheduling a 2007 enlargement summit would also establish a 5-year cycle for NATO enlargement. Three nations

received invitations in 1997 at Madrid, and seven nations were invited in 2002 in Prague. This Member believes that this is a reasonable timetable, one that gives NATO time to incorporate the seven new members, while absolutely ensuring that the three remaining candidates are not forgotten and that they have met the necessary requirements to be full-fledged partners in NATO.

Madam Speaker, yesterday was a historic day for America's seven newest allies as they joined the most successful Alliance in history and thereby secured the freedom that they had fought so hard to gain. This Member urges his colleagues to vote for this resolution in order to welcome these countries to NATO and to ensure that NATO's door remains open to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia, and probably to countries to follow.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of this resolution.

Madam Speaker, first I want to commend my friend, the distinguished gentleman from Nebraska (Mr. BEREUTER), for his outstanding leadership as the current president of the NATO Parliamentary Assembly and as a longtime champion of NATO in our Congress over many years. He is serious and thoughtful in his leadership, and he has served our Nation well through his commitment to NATO and in many other ways.

Madam Speaker, it gives me pleasure and a sense of personal delight to welcome seven new members to NATO. I passionately believe that in NATO we have a powerful group of allies who share our democratic values and objectives.

Congress has consistently led the way in supporting NATO enlargement and in promoting a strong and robust role for NATO. NATO is the longest effective alliance in our time, and it has endured because it is comprised of free and democratic nations. No country was ever forced to join the Alliance by a larger and stronger power. There can be no better endorsement of NATO's success than the eagerness of the newly emerging Central and East European democracies to be part of it.

□ 1230

The accession of seven countries is a milestone in Central and Eastern Europe where, not long ago, some people were skeptical about the fate of democracy and human rights. Some argued that the American emphasis on democracy in this region was misplaced and that our Nation's efforts would fail. We proved the skeptics wrong.

These new NATO allies have taken positive steps to advance their integration into Europe, and they have already contributed to the security and the stability of that continent. They have acted as de facto NATO allies by contributing forces to both peacekeeping and other military operations, both within and outside of Europe, in Afghanistan and in Iraq.

So today, Madam Speaker, as we raise seven European flags at NATO headquarters, we again reaffirm the close friendship and partnership we have with Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia; and we express our desire that this friendship grows stronger and even more vibrant within NATO.

Madam Speaker, let me just say a few words about Russia's relationship to NATO. It is evident that as Russia strives to join the international community of democracies, it is in Russia's interests to have the arena of stability and prosperity in Europe expanded to Russia's borders. It is clear that if democratic forces gain strength within Russia, these democratic forces will welcome the enlargement of NATO and the growth of stable democracies in adjacent countries. It is not in Russia's interests to have a country on its border which is a totalitarian and authoritarian state, like Belarus. It is in Russia's interests to have countries nearby which are democratic, such as Estonia, Latvia and Lithuania, prosperous, free, and proud members of NATO.

During the Cold War, Madam Speaker, I never accepted the notion that NATO threatened Russia, and I do not accept it now. There is no NATO leader who has the slightest ambition to invade or act in a way that is contrary to Russia's long-term interests. NATO's leadership hopes for the evolution of a democratic and prosperous and stable Russia. The leadership and the members of NATO want nothing more for the Russia people than an improvement in their economic conditions and an improvement in their political and civil liberties.

In conclusion, let me just say a word about the responsibility of NATO out of area. When NATO was established, Madam Speaker, it was designed as a shield against the Soviet Union. Thanks to our efforts, the Soviet Union no longer exists, and NATO must find for itself a new raison d'etre. That new raison d'etre is in places like Afghanistan and Iraq, where the free and democratic way of life we enjoy and other NATO members enjoy is threatened.

Now, NATO today performs a very limited function in Afghanistan. I call upon NATO leadership to dramatically increase its presence in Afghanistan. Short of that happening, the new Afghanistan will collapse, and we will have countless hearings as to the reasons why. Well, we know what the reasons would be. It is the failure of NATO members to have a presence in Afghanistan commensurate with the need.

In Iraq, NATO has a profound responsibility. While NATO members were divided initially with respect to moving into Iraq, today there is not a NATO member who has not benefited by the establishment of stability in that country. I call upon the leaders of all NATO countries, old NATO countries and the seven new ones, to recognize that for NATO to have any reason for existence, it must be present in a robust way in places that can desperately use NATO's presence. I call upon our leadership and the leadership of all NATO countries to recognize this. And I look forward to the time in the very near future when NATO will be present in both Afghanistan and in Iraq, in a major and robust way, that can guarantee success in these two important areas.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume for a brief set of comments, and I want to thank the gentleman for his outstanding statement and for his generous remarks directed toward this Member.

I would say to the gentleman with respect to Iraq and with respect to Afghanistan, the two subjects that the gentleman addressed towards the remaining part of his time, I certainly am in absolute agreement. The gentleman will recall, of course, that the House and the Senate have both expressed their view that NATO should take a larger role in Iraq and that, in fact, we should call upon the resources of the United Nations where appropriate. I am sure the gentleman is concerned about the lack of resources from NATO countries being directed towards Afghanistan at this critical time.

Madam Speaker, it is now my pleasure to yield time shortly to the distinguished gentleman from Illinois (Mr. SHIMKUS), who is a graduate of the U.S. Military Academy and who had the experience of being an infantry officer in a combat unit stationed on the Czechoslovakian border before, in fact, the Wall came down and before we moved to now admit, some 3 or 4 years ago, the Czech Republic to NATO. The gentleman has taken an outstanding interest and involvement in the NATO Parliamentary Assembly as a rapporteur or co-rapporteur on a number of important reports for the Defense and Security committee and, I might also say, he has a special interest in our Baltic neighbors who are, by actions yesterday, joining NATO.

Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Madam Speaker, it is a wonderful day. Actually, the great day was yesterday, and it is an honor to be here on the floor with the gentleman from Nebraska (Chairman BEREUTER) and the gentleman from California (Ranking Member LANTOS), who have become great friends in this battle. It is a battle that I have really been fortunate to join, really at the closing of it. It is an important step forward to President Bush's goal and others within the administration's goal of a Europe whole, free, and at peace.

It was great at the ceremonies yesterday when, on the lawn, on the east lawn, not only was the current administration there, but representatives of previous administrations: the Honorable Jean Kirkpatrick was there, the Honorable Madeleine Albright was there, Sandy Berger was there. So it really shows that NATO enlargement is really something that has lasted the test of time.

At a time in our country where there seems to be great divisiveness, one unifying aspect is NATO enlargement. I am proud to be a Member of the House where I think all enlargements, actually, the momentum has always started, I think from the Madrid enlargement to even this most recent round. I think the other body gets a lot of credit because of their votes, but we do not want to shy away or take a second seat to anybody in our position and our push for NATO enlargement.

I have enjoyed the relationship with the American citizens who still have a great respect and honor for their ethnic heritage and their home countries. These American citizens, who have fought in our wars and have given their lives for freedom and democracy, really ask their government to do a simple thing and help return that type of stability, peace, and freedom to their home countries, the countries of their birth, the countries of their forefathers. NATO does that.

The North Atlantic Treaty Organization brings a collective self-defense mission to again address that area of a Europe whole and free, so it is just a very important and exciting day. So I appreciate the resolution, because we should be part of the celebratory aspect and make sure that we are on record saying a job well done.

There is still much work to go before us, as both the gentleman from Nebraska (Chairman BEREUTER) and the gentleman from California (Mr. LANTOS) have mentioned. But we are going to be much stronger as a united world, united under basic principles of freedom and democracy and the rule of law when we address totalitarian regimes than we would be to continue to have a fractured environment in Europe.

We know what these new entrants are already doing. Actually, they have come through the membership action plan, which was not an easy task. When we have these democracies move from a centralized market economy to a free market economy, that creates a lot of stress on the way that the government used to provide services. These governments had to decide whether they needed to move aggressively with large parts of their dollars to transform themselves to be prepared to enter NATO. That is not easy, when you are changing from a system where the government is providing for all of the basic needs and now you are taking money away to increase the ability for self-defense. So they need to be applauded. They have gone through the process of reform in the military, in the economy, the rule of law; and the membership action plan really helped do that.

Now they have also come to the forefront in the war on international terrorism. I know a lot of folks understand that it is important what they have given after September 11, their involvement in Afghanistan and for many their involvement in Iraq; and it is not a small task to ask these new emerging democracies to send their sons and daughters overseas for a cause of freedom, peace, and security in the world.

So this is really appropriate that we do this. Bulgaria is focused on engineers and mine-sweepers; Romania on unmanned aerial vehicles and mountain troops; Slovakia, nuclear, biological, and chemical defense units; Slovenia, mountain warfare troops; Estonia, military divers and mine countermeasures; Latvia, explosive ordnance disposal; and Lithuania, Bulgaria, Latvia, Slovakia, and Slovenia will provide special operations forces.

So they are going to be additive to NATO. But where they are really going to be more additive, actually a multiplier, is really their heart and soul. These countries still have the scars of totalitarian regimes. They still hurt as they look at what has occurred to their countries over the decades. They bring an understanding of the cause for freedom and democracy. That is a message that sometimes those of us who have experienced and benefited from democratic governance for many years, we sort of take for granted and forget. Not after September 11, of course. But they are reenergizing NATO. They are bringing their commitment, their heart and soul.

I wholly applaud, really, the international community, the United States for our leadership, and really the membership countries for saying, this is the right thing to do at the right time. The world will be stronger and more at peace because of the most historical organization in the history of the world that has kept the peace for over 50 years, the North Atlantic Treaty Organization. I am honored to have the chance to be on the floor to recognize them. I look forward to their added power as we move forward in this very dangerous and difficult time in this world.

Mr. LANTOS. Madam Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE), our distinguished colleague and my good friend.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman from California (Mr. LANTOS), and the gentleman from Nebraska (Mr. BEREUTER) as well.

I represent an enormously diverse district. I am reminded of the Kosovo war and the refugees that wound up in Albania. We found ourselves in Houston hosting a number of those individuals who had come for refuge during that terrible time of ethnic cleansing. As I reflect upon that, I reflect on how important it is for this Nation to remain engaged internationally and to be able to promote democratization and collaboration.

□ 1245

My first introduction to this was joining the gentleman from California (Mr. LANTOS) and the gentleman from Nebraska (Mr. BEREUTER) at the European Union. I want to acknowledge their leadership, the respect that they receive internationally, and certainly in that body, when we discussed the opportunities for Central and Eastern European countries to be part of the NATO Alliance.

I recall visiting the NATO Alliance, which is a very, if you will, strong structure and I think has a very deliberative leadership at that Alliance and noted the importance of that institution to Europe's safety. But, as we spoke, we recognized that, as these nations would attempt to join the Alliance, there were several things that they had to engage in. As my good friend who just spoke on the floor of the House acknowledged, they had to overcome the scars of the kind of dictatorships and the kinds of governments that they had had in the past.

I was very proud to note that they were eager to do so, to diversify their economy, to begin to look at opportunities for all of their citizens to be part of the dream of promoting a diverse economy and a diverse political system.

They are now welcomed into the NATO family because they want to stand united against the war on terrorism or with us on the war on terrorism. They are eager, I think, to find a way to democratize, and I use that word in quotes, as it fits both their culture and their understanding. They desire to be allies.

And I would, just as I welcome them, extend this welcome on the grounds that we all work together for peace in this world. It is easy to enter into conflict and war but not so easy to extract oneself and to promote peace.

Because they have experienced the devastation of a divided and devisive government, bloodshed, rebellions through a long history, it is a very fine statement of the NATO Alliance and the United States that we have worked closely with them to bring them to this point and that they have joined and accepted the criteria for admission into NATO.

I thank with great enthusiasm the number of Members of Congress who independently through their interaction on international parliamentarian exchange have been at the forefront of working with these particular nations and to bring them to this point. So my hat is off to the gentleman from Nebraska (Mr. BEREUTER) for his continued leadership and interest in collaboration and as well continued exchange in promoting democracy, peace and freedom, and certainly to my

good friend, the gentleman from California (Mr. LANTOS), the ranking member, who has steadfastly been a member of the Human Rights Caucus, ranking member on the Committee on International Relations in the House, and a continued voice for promoting democracy and justice. I want to applaud him for what he has been persistent in, the bringing to the table, if you will, of these nations to the table of equality and to the table of peace and to the table of discussion and to the table of strength, and that is with the North Atlantic Treaty Organization.

I ask my colleagues to enthusiastically support this legislation, H. Res. 558, as a commitment to the friendship that now exists with these countries in the North Atlantic Treaty Organization.

Mr. SMITH of New Jersey. Madam Speaker, I join my colleagues in strong support of House Resolution 558, welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization.

During my tenure in Congress, I have had considerable interaction with the leaders of these countries, as well as the opportunity to witness the transitions which have occurred. For several of our new NATO allies I first encountered as one-party communist states, as Warsaw Pact adversaries and as ''captive nations.'' As Chairman of the Helsinki Commission, I have closely monitored their human rights performance and encouraged their democratic development. The transition for some has been particularly difficult, particularly with the effects of regional conflicts, political or economic crises. Throughout, their peoples have been our friends. Now, they become our allies.

While we must congratulate these countries, first and foremost, on the progress which brought them to this historic point, we can also take some credit for the investments we decided to make, through the human resources and bilateral assistance which planted the democratic ideals that now have triumphed. In my view, the returns on those investments have been notable.

In addition to these seven new NATO members, the resolution before the House also encourages the three members of the Adriatic Charter to continue their efforts toward eventual NATO membership. I particularly want to comment on Croatia. That country has had a particular challenge since 1990. As Yugoslavia fell apart and Croatia asserted its independence, the country faced not only the challenges of democratic transition but of surviving the Yugoslav conflict. From 1991 to 1995, significant portions of the country were destroyed or occupied. The conflict in neighboring Bosnia led to massive inflows of refugees. Croatia itself was vulnerable to those leaders with highly nationalist and less than democratic instincts.

While all of this slowed their transition, Croatia has rapidly moved—especially since 2000—to meet their democratic potential. In the last elections, a smooth transition in government took place, and we have a bilateral relationship which continues to strengthen over time. In addition, Croatia has become a key contributor to stability in a part of Europe where stability is highly fragile.

It is my hope, Madam Speaker, that we recognize this progress as Croatia seeks membership in NATO. Once Croatia meets the criteria for membership, the invitation to join should be extended. I would hope that the upcoming Istanbul summit will make this clear and mandate an assessment of Croatia's progress in this regard. It would be wrong and counter to U.S. interests to leave Croatia or any other country otherwise qualifying for NATO membership waiting unnecessarily.

I believe that taking this action would also encourage its Adriatic Charter partners, Albania and Macedonia, in meeting the criteria for membership more quickly. Rather than abandon its partners, Croatia will help them make progress as well. Albania and Macedonia are also good friends of the United States and would benefit from this encouragement. Ultimately, Bosnia and Herzegovina and Serbia and Montenegro would benefit as well, all in the interest of European security and, therefore, U.S. security interests.

Mr. STUPAK. Madam Speaker, thank you for this opportunity to welcome the nine new members of the North Atlantic Treaty Organization (NATO).

For the last 55 years, the United States and its allies have worked through NATO to ''make the world safe for democracy.'' The accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to full NATO membership will further strengthen this alliance and enhance the security of the United States and all NATO countries.

I would like to extend an especially warm welcome to Slovakia. In the 107th Congress, I introduced, and the House passed, H. Res. 253 to commend the Slovak Republic for its progress toward political and economic liberty and efforts to meet the guidelines for prospective NATO members.

Slovakia, a once authoritarian regime, embraced a pro-Western government in 1998 and freed its citizens from international isolation. Since independence, the Slovak government has successfully held free and fair elections three times. In their last elections, over 70 percent of eligible voters turned out to express their newfound democratic right.

I am certain that as a member of NATO, Slovakia will contribute to the protection of member states and significantly benefit the security and peace of Europe and the region as a whole. Slovakia's leaders value their participation in our military alliance, and its citizens align themselves with NATO's common values and democratic mission.

The resolution we are voting on today ''reaffirms that NATO's enlargement enhances United States and North Atlantic area security, and agrees that NATO's enlargement should be open to membership by any European democracy that meets NATO membership criteria and whose admission would further the principles of the Washington Treaty of 1949 and enhance North Atlantic area security.''

I am proud to vote for this resolution, and I believe that Slovakia, and the other new members, will greatly enhance our alliance's security and further its principles. I am pleased to be able to welcome them to NATO.

Mr. CARDIN. Madam Speaker, I rise in strong support of H. Res. 558, which welcomes the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO).

Earlier this month I celebrated the 86th anniversary of the declaration of independence of Lithuania with my constituents and the Lithuanian Society in Baltimore. I am very enthusiastic about the accomplishments of the Lithuanian people and my optimism for that nation's future. As you know, I am of Lithuanian heritage and share your special interest in Lithuania's development.

I am proud of the United States' strong support for Lithuania through the extension of membership to the NATO alliance, and the continued endorsement for the nation's integration into the European Union. In 2003 the U.S. Senate unanimously ratified Lithuania's inclusion into NATO, and praised Lithuania for ''serving as an example to emerging democracies worldwide.''

As as an invited member of NATO and the European Union, the Republic of Lithuania plays a role in promoting security abroad and in combating international threats. Since 1994, the Lithuanian Armed Forces have demonstrated this commitment by deploying over 1,300 servicemen on missions to the Balkans and, most recently, Afghanistan and Iraq.

Lithuania's accession to NATO really marks the return of Lithuania to the Euro-Atlantic partnership and alliance, as we face the new challenges of the global war on terrorism.

Lithuania has made considerable progress towards a functioning market economy, and has enjoyed some of the highest domestic product growth rates in all of Europe. I am therefore pleased to see that Lithuania will shortly be joining the European Union (EU), which will grow from 15 to 25 members on May 1, 2004.

By joining the EU, the nation will greatly benefit from a larger, more integrated European marketplace. We should continue our partnership to further strengthen Lithuania's economic growth.

I am also pleased to report that in the last decade Lithuania has made great progress in the area of human rights, rule of law, and religious freedom all while pursuing further integration into European political, economic, and security organizations. As a member of Congress, I serve on the Commission on Security and Cooperation in Europe, commonly known as the Helsinki Commission. I also serve as the Chairman of the Economic Committee of the OSCE Parliamentary Assembly. Lithuania, among other countries, has agreed to the terms of the Helskinki Final Act, which calls upon governments to respect religious freedom and minority rights as well as guarantee free speech and political dissent. Lithuania has successfully moved to establish a strong democratic government, holding fair elections since 1991 and supporting an independent judiciary—both of which are critical components for maintaining rule of law and fighting corruption in any country.

Madam Speaker, I am pleased to join my colleagues in supporting this resolution, in saluting the accomplishments of Lithuania and looking forward with great pride and expectation to the future. I urge my colleagues to take a moment to reflect on the unique Lithuanian culture and its contribution to the world.

Mr. LANTOS. Madam Speaker, we have no additional speakers, and I yield back the balance of our time.

Mr. BEREUTER. Madam Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her kind

remarks and knowledgeable comments. I thank my colleague from California (Mr. LANTOS) again for his continued interest and leadership in this subject area.

Madam Speaker, I urge all Members to support this resolution. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 558, 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. LANTOS. Madam 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.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 THROUGH 2006

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3036) to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3036

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations for fiscal year 2004.
Sec. 102. Authorization of appropriations for fiscal year 2005.
Sec. 103. Authorization of appropriations for fiscal year 2006.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

Sec. 201. Merger of Byrne grant program and Local Law Enforcement Block Grant program.
Sec. 202. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.
Sec. 203. Congressional medal and plaque for public safety officers who responded to the attacks on the United States on September 11, 2001.
Sec. 204. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.
Sec. 205. Clarification of uses for regional information sharing system grants.
Sec. 206. Integrity and enhancement of national criminal record databases.
Sec. 207. Extension of matching grant program for law enforcement armor vests.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

Sec. 211. Office of Weed and Seed Strategies.

Subtitle C—Assisting Victims of Crime

Sec. 221. Grants to local nonprofit organizations to improve outreach services to victims of crime.
Sec. 222. Clarification and enhancement of certain authorities relating to Crime Victims Fund.
Sec. 223. Amounts received under crime victim grants may be used by State for training purposes.
Sec. 224. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.
Sec. 225. Expansion of grant programs assisting enforcement of domestic violence cases to also assist enforcement of sexual assault cases.
Sec. 226. Change of certain reports from annual to biennial.
Sec. 227. Clarification of recipients and programs eligible for grants under Rural Domestic Violence and Child Abuse Enforcement Assistance program.

Subtitle D—Preventing Crime

Sec. 231. Clarification of definition of violent offender for purposes of juvenile drug courts.
Sec. 232. Changes to distribution and allocation of grants for drug courts.
Sec. 233. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.
Sec. 234. Term of Residential Substance Abuse Treatment program for local facilities.

Subtitle E—Other Matters

Sec. 241. Changes to certain financial authorities.
Sec. 242. Coordination duties of Assistant Attorney General.
Sec. 243. Simplification of compliance deadlines under sex-offender registration laws.
Sec. 244. Repeal of certain programs.
Sec. 245. Elimination of certain notice and hearing requirements.
Sec. 246. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.
Sec. 247. Clarification of authority to pay subsistence payments to prisoners for health care items and services.
Sec. 248. Office of Audit, Assessment, and Management.
Sec. 249. Community Capacity Development Office.
Sec. 250. Office of Applied Law Enforcement Technology.
Sec. 251. Availability of funds for grants.
Sec. 252. Consolidation of financial management systems of Office of Justice Programs.
Sec. 253. Authorization and change of COPS program to single grant program.
Sec. 254. Clarification of persons eligible for benefits under Public Safety Officers' Death Benefits programs.
Sec. 255. Research-based bullying prevention programs.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Technical amendments relating to Public Law 107–56.
Sec. 302. Miscellaneous technical amendments.
Sec. 303. Minor substantive amendment relating to contents of FBI annual report.
Sec. 304. Use of Federal training facilities.
Sec. 305. Privacy officer.
Sec. 306. Bankruptcy crimes.
Sec. 307. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.
Sec. 308. Technical correction relating to definition used in ''terrorism transcending national boundaries'' statute.
Sec. 309. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.
Sec. 310. Expanded jurisdiction for contraband offenses in correctional facilities.
Sec. 311. Magistrate judge's authority to continue preliminary hearing.
Sec. 312. Recognizing the 40th anniversary of the founding of the Lawyers' Committee for Civil Rights Under Law and supporting the designation of an Equal Justice Day.

TITLE IV—KOBY MANDELL ACT

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Establishment of an Office in the Department of Justice to undertake specific steps to facilitate the capture of terrorists who have harmed American citizens overseas and to ensure that all American victims of overseas terrorism are treated equally.
Sec. 404. Authorization of appropriations.

TITLE V—MATTERS RELATING TO INTELLIGENCE AND COUNTERINTELLIGENCE

Sec. 501. FBI Office of Counterintelligence.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.

There are authorized to be appropriated for fiscal year 2004, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $133,772,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $197,420,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $70,000,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $665,346,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $141,898,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,556,784,000, which shall include not less than $10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105–147), and violations of laws prohibiting unsolicited commercial e-mail: *Provided,* That such amounts in the appropriations account ''General Legal Services'' as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $4,639,569,000, which shall include—

(A) not to exceed $11,174,000 for construction, to remain available until expended;

(B) not to exceed $70,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided,* That such amounts may only be expended for analyzing intelligence information.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $733,843,000, which shall include not to exceed $14,066,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $4,677,214,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,601,327,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $851,987,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $156,145,000 to remain available until expended, which shall include not to exceed $6,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $550,609,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,212,000.

(15) COMMUNITY RELATIONS SERVICE.— For the Community Relations Service: $9,526,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,949,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,051,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $814,097,000.

(19) IDENTIFICATION SYSTEMS INTEGRATION.—For expenses necessary for the operation of the Identification System Integration: $34,077,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $140,083,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Community Oriented Policing Services program, the following sums:

(A) $106,016,000 for the Office of Justice Programs.

(B) $13,622,000 for the Office on Violence Against Women.

(C) $29,684,000 for the Community Oriented Policing Services program.

(22) LEGAL ACTIVITIES OFFICE AUTOMATION.—For necessary expenses related to office automation: $33,240,000.

(23) COUNTERTERRORISM FUND.—For necessary expenses of the Counterterrorism Fund: $1,000,000.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2005.

There are authorized to be appropriated for fiscal year 2005, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $186,551,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $202,518,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $71,400,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $657,135,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $136,463,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,547,519,000, which shall include not less than $10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105–147), and violations of law, against unsolicited commercial e-mail: *Provided,* That such amounts in the appropriations account ''General Legal Services'' as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,058,921,000, which shall include—

(A) not to exceed $1,250,000 for construction, to remain available until expended;

(B) not to exceed $70,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided,* That such amounts may only be expended for analyzing intelligence information.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $743,441,000, which shall include not to exceed $1,371,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $4,706,232,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,661,503,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $868,857,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $177,585,000 to remain available until expended, which shall include not to exceed $6,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $580,632,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,220,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $9,833,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $21,759,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $10,650,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $938,810,000.

(19) JOINT AUTOMATED BOOKING SYSTEM.—For the necessary expenses of the Joint Automated Booking System: $20,309,000.

(20) INTEGRATED AUTOMATED FINGERPRINT.—For the expenses necessary for Integrated Automated Fingerprint activities: $5,054,000.

(21) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $101,971,000.

(22) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Community Oriented Policing Services program, the following sums:

(A) $118,730,000 for the Office of Justice Programs.

(B) $13,894,000 for the Office on Violence Against Women.

(C) $30,278,000 for the Community Oriented Policing Services program.

(23) LEGAL ACTIVITIES OFFICE AUTOMATION.—For necessary expenses related to office automation: $80,510,000.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $190,282,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $206,568,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $72,828,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $670,278,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $139,192,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,578,469,000, which shall include not less than $10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105–147), and violations of law, against unsolicited commercial e-mail: *Provided*, That such amounts in the appropriations account ''General Legal Services'' as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,160,099,000, which shall include—

(A) not to exceed $1,250,000 for construction, to remain available until expended;

(B) not to exceed $70,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided*, That such amounts may only be expended for analyzing intelligence information.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $758,310,000, which shall include not to exceed $1,371,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $4,800,357,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,694,733,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $886,234,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $181,137,000 to remain available until expended, which shall include not to exceed $6,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $592,245,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,244,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,030,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,194,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $10,863,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $957,586,000.

(19) JOINT AUTOMATED BOOKING SYSTEM.—For the necessary expenses of the Joint Automated Booking System: $20,715,000.

(20) INTEGRATED AUTOMATED FINGERPRINT.—For the expenses necessary for Integrated Automated Fingerprint activities: $5,155,000.

(21) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $104,010,000.

(22) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Community Oriented Policing Services program, the following sums:

(A) $121,105,000 for the Office of Justice Programs.

(B) $14,172,000 for the Office on Violence Against Women.

(C) $31,343,000 for the Community Oriented Policing Services program.

(23) LEGAL ACTIVITIES OFFICE AUTOMATION.—For necessary expenses related to office automation: $82,120,000.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

"Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program";

(B) by amending section 500 to read as follows:

"SEC. 500. NAME OF PROGRAM.

''(a) IN GENERAL.—The grant program established under this subpart shall be known as the 'Edward Byrne Memorial Justice Assistance Grant Program'.

''(b) REFERENCES TO FORMER PROGRAMS.—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).''; and

(C) by inserting after section 500 the following new sections:

"SEC. 501. DESCRIPTION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

''(A) Law enforcement programs.

''(B) Prosecution and court programs.

''(C) Prevention and education programs.

''(D) Corrections and community corrections programs.

''(E) Drug treatment programs.

''(F) Planning, evaluation, and technology improvement programs.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

''(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

''(1) neighborhood or community-based organizations that are private and nonprofit;

''(2) units of local government; or

''(3) tribal governments.

''(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

''(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

''(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

''(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

''(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

''(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

''(A) vehicles, vessels, or aircraft;

''(B) luxury items;

''(C) real estate;

''(D) construction projects (other than penal or correctional institutions); or

''(E) any similar matters.

''(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

''(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

''(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

"SEC. 502. APPLICATIONS.

''To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

''(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

''(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or

amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

''(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

''(A) the application (or amendment) was made public; and

''(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

''(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

''(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

''(A) the programs to be funded by the grant meet all the requirements of this subpart;

''(B) all the information contained in the application is correct;

''(C) there has been appropriate coordination with affected agencies; and

''(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

''SEC. 503. REVIEW OF APPLICATIONS.

''The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

''SEC. 504. RULES.

''The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

''SEC. 505. FORMULA.

''(a) ALLOCATION AMONG STATES.—

''(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

''(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

''(i) the total population of a State to—

''(ii) the total population of the United States; and

''(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

''(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

''(ii) the average annual number of such crimes reported by all States for such years.

''(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a ''minimum allocation State''), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

''(A) allocate 0.25 percent of the total amount to each State; and

''(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

''(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

''(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

''(2) 40 percent shall be for grants to be allocated under subsection (d).

''(c) ALLOCATION FOR STATE GOVERNMENTS.—

''(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

''(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

''(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

''(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

''(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

''(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

''(2) ALLOCATION.—

''(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the 'local amount'), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

''(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2005, 2006, and 2007, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

''(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

''(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

''(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

''(ii) but for this paragraph, the amount of funds allocated under this section to—

''(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

''(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

''(B) In this paragraph, the term 'geographically constituent unit of local government' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

''(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

''(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

''(2) ALLOCATIONS UNDER $10,000.—If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

''(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

''(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

''(g) SPECIAL RULES FOR PUERTO RICO.—

''(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to

the Commonwealth government of Puerto Rico.

''(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

''(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term 'unit of local government' means a district attorney or a parish sheriff.

''SEC. 506. RESERVED FUNDS.

''Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

''(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

''(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

''SEC. 507. INTEREST-BEARING TRUST FUNDS.

''(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

''(b) EXPENDITURES.—

''(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

''(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

''(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

''(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

''SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subpart $1,095,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.''.

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking ''such as'' and all that follows through ''the M.O.R.E. program'' and inserting ''such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program''.

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking ''pursuant to section 511 or 515'' and inserting ''pursuant to section 515'';

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking ''the program evaluations as required by section 501(c) of this part'' and inserting ''program evaluations'';

(ii) in subsection (a)(2), by striking ''evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part'' and inserting ''evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part''; and

(iii) in subsection (b)(2), by striking ''programs funded under section 506 (formula grants) and section 511 (discretionary grants)'' and inserting ''programs funded under section 505 (formula grants)'';

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''section 506'' and inserting ''section 505''; and

(ii) in subsection (a)(1), by striking ''an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503'' and inserting ''an assessment of the impact of such activities on meeting the purposes of subpart 1'';

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking ''the purposes of section 501 of this title'' and inserting ''the purposes of such subpart 1''; and

(ii) by striking ''the application submitted pursuant to section 503 of this title'' and inserting ''the application submitted pursuant to section 502 of this title'';

(E) in section 808 (42 U.S.C. 3789), by striking ''the State office described in section 507 or 1408'' and inserting ''the State office responsible for the trust fund required by section 507, or the State office described in section 1408,'';

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking ''for the purposes of section 506(a)'' and inserting ''for the purposes of section 505(a)'';

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking ''section 506(a)'' and inserting ''section 505(a)'';

(ii) in paragraph (2)—

(I) by striking ''section 503(a)'' and inserting ''section 502''; and

(II) by striking ''section 506'' and inserting ''section 505'';

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking ''The office designated under section 507 of title I'' and inserting ''The office responsible for the trust fund required by section 507'';

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking ''and reflects consideration of the statewide strategy under section 503(a)(1)''; and

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking ''The Office designated under section 507'' and inserting ''The office responsible for the trust fund required by section 507''.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 202. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking ''more than 5 recipients'' and inserting ''more than 5 individuals, or groups of individuals, as recipients''.

SEC. 203. CONGRESSIONAL MEDAL AND PLAQUE FOR PUBLIC SAFETY OFFICERS WHO RESPONDED TO THE ATTACKS ON THE UNITED STATES ON SEPTEMBER 11, 2001.

(a) PURPOSE.—It is the purpose of this section—

(1) to commemorate the sacrifices made and service rendered to the United States by those public safety officers who responded to the attacks on the United States on September 11, 2001; and

(2) to honor those public safety officers on the third anniversary of those attacks.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress—

(A) to individuals certified by the Attorney General pursuant to subsection (e), a bronze medal 1½ inches in diameter commemorating the service to the United States of those individuals; and

(B) to public agencies certified by the Attorney General pursuant to subsection (e), a plaque commemorating the service to the United States of the officers, employees, or agents of those agencies.

(2) DATE.—The presentation shall be made as close as feasible to the third anniversary of the attacks on the United States on September 11, 2001.

(3) NEXT OF KIN.—In the case of an individual certified by the Attorney General pursuant to subsection (e), the medal may be accepted by the next of kin of any such individual.

(c) DESIGN AND STRIKING.—

(1) CONSULTATION.—The Attorney General shall consult with the Institute of Heraldry of the Department of Defense regarding the design and artistry of the medal and the plaque authorized by this section. The Attorney General may also consider suggestions received by the Department of Justice regarding the design and artistry of the medal and the plaque, including suggestions made by persons not employed by the Department of Justice.

(2) STRIKING.—After such consultation, the Attorney General shall strike such medals and produce such plaques as may be required to carry out this section.

(d) ELIGIBILITY REQUIREMENTS.—

(1) INDIVIDUALS.—

(A) IN GENERAL.—To be eligible to be presented the medal referred to in subsection (b), an individual must have been a public safety officer (as defined in section 5 of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15204))—

(i) who was present in New York, Virginia, or Pennsylvania on September 11, 2001;

(ii) who participated in the response that day to the terrorist attacks on the World Trade Center, the terrorist attack on the Pentagon, or the terrorist attack that resulted in the crash of the fourth airplane in Pennsylvania; and

(iii) who died as a result of such participation.

(B) RULE OF CONSTRUCTION.—An individual who was killed in one of the attacks referred to in subparagraph (A)(ii) shall be deemed, for purposes of that subparagraph, to have participated in the response.

(2) AGENCIES.—To be eligible to be presented the plaque referred to in subsection (b), a public agency must have had at least one officer, employee, or agent who is eligible under paragraph (1) or who would be so eligible but for the requirement of subparagraph (A)(iii) of that paragraph.

(3) APPLICATION; DETERMINATION.—To establish the eligibility required by paragraphs (1) or (2), the head of a public agency must present to the Attorney General an application with such supporting documentation as

the Attorney General may require to support such eligibility and, in the case of the eligibility of an individual, with information on next of kin. The Attorney General shall determine, through the documentation provided and, if necessary, independent investigation, whether the requirements of paragraphs (1) or (2) have been established.

(e) CERTIFICATION.—The Attorney General shall, within 12 months after the date of the enactment of this Act, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of individuals eligible to receive the medal and public agencies eligible to receive the plaque.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 204. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking ''the Director of the Office of Justice Assistance'' and inserting ''the Assistant Attorney General for the Office of Justice Programs''.

SEC. 205. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting ''regional'' before ''information sharing systems'';

(2) by amending paragraph (3) to read as follows:

''(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, and local law enforcement agencies;''; and

(3) by striking ''(5)'' at the end of paragraph (4).

SEC. 206. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: ''The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.'';

(2) by amending paragraph (19) of subsection (c) to read as follows:

''(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;''; and

(3) in subsection (d)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.''.

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking ''particular individual'' and inserting ''private person or public agency''.

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking ''Except as provided by Federal law other than this title, no'' and inserting ''No''.

SEC. 207. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2004'' and inserting ''2007''.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

''SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

''(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

''(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $58,265,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 and 2006, to remain available until expended.

''SEC. 104. WEED AND SEED STRATEGIES.

''(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

''(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

''(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

''(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

''(B) community revitalization efforts, including enforcement of building codes and development of the economy.

''(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

''(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

''(A) in a voting capacity, representatives of—

''(i) appropriate law enforcement agencies; and

''(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

''(B) in a voting capacity, both—

''(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

''(ii) the United States Attorney for the District encompassing the community;

''(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

''(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

''(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

''(1) the United States Attorney for the District encompassing the community must certify to the Director that—

''(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

''(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

''(C) the steering committee is capable of implementing the strategy appropriately; and

''(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

''(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

''(1) a sustainable Weed and Seed strategy that includes—

''(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

''(B) a significant community-oriented policing component; and

''(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

''(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

''(e) GRANTS.—

''(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

''(2) USES.—For each grant under this subsection, the community receiving that grant—

''(A) shall use not less than 40 percent of the grant amounts for Seeding activities under subsection (a)(2); and

''(B) may not use any of the grant amounts for construction, except that the Assistant

Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

''(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

''(A) for a period of more than 10 fiscal years;

''(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

''(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

''(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

''(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

''(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

''(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

''(B) The requirement of subparagraph (A)—

''(i) may be satisfied in cash or in kind; and

''(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

''(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.''.

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

Subtitle C—Assisting Victims of Crime

SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after ''Director'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''paragraph (1)(A)'' and inserting ''paragraphs (1)(A) and (1)(C)'';

(ii) by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) not more than $10,000 shall be used for any single grant under paragraph (1)(C).''.

SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: '', which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

''(A) attaches conditions inconsistent with applicable laws or regulations; or

''(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.''.

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking ''expended'' and inserting ''obligated''.

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking '', acting through the Director,'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish victim assistance programs, as appropriate.''.

SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

SEC. 224. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF SPECIFIC PURPOSES.—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended in the matter preceding paragraph (1) by inserting after ''violent crimes against women'' the following: ''to develop and strengthen victim services in cases involving violent crimes against women''.

(b) TECHNICAL AMENDMENT RELATING TO MISDESIGNATED SECTIONS.—Section 402(2) of Public Law 107–273 (116 Stat. 1789) is amended by striking ''as sections 2006 through 2011, respectively'' and inserting ''as sections 2007 through 2011, respectively''.

(c) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as redesignated pursuant to the amendment made by subsection (b), is amended—

(1) in subsection (a), by striking ''to States'' and all that follows through ''tribal governments'';

(2) in subsection (b)—

(A) in each of paragraphs (2) and (3), by striking ''1/54'' and inserting ''1/53''; and

(B) in paragraph (4), by striking ''in Indian country'';

(3) in subsection (c)(3)(A), by striking ''police'' and inserting ''law enforcement''; and

(4) in subsection (d)—

(A) in the second sentence, by inserting after ''each application'' the following: ''submitted by a State''; and

(B) in the third sentence, by striking ''An application'' and inserting ''In addition, each application submitted by a State or tribal government''.

(d) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg–3), as redesignated pursuant to the amendment made by subsection (b), is amended by striking ''Not later than'' and all that follows through ''the Attorney General shall submit'' and inserting the following: ''Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit''.

(e) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of such Act (42 U.S.C. 3796gg–4), as redesignated pursuant to the amendment made by subsection (b), is amended by adding at the end the following new subsections:

''(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.''.

(f) TECHNICAL AMENDMENT.—The heading for Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended to read as follows:

''PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN''.

SEC. 225. EXPANSION OF GRANT PROGRAMS ASSISTING ENFORCEMENT OF DOMESTIC VIOLENCE CASES TO ALSO ASSIST ENFORCEMENT OF SEXUAL ASSAULT CASES.

(a) GRANTS TO ENCOURAGE DOMESTIC VIOLENCE ARREST POLICIES.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking ''to treat domestic violence as a serious violation'' and inserting ''to treat domestic violence and sexual assault as serious violations'';

(2) in subsection (b)—

(A) in each of paragraphs (2) and (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, sexual assault, and dating violence'';

(B) in paragraph (3), by striking ''domestic violence cases'' and inserting ''domestic violence and sexual assault cases''; and

(C) in paragraph (6), by striking ''about domestic violence'' and inserting ''about domestic violence and sexual assault''; and

(3) in subsection (d), by striking ''In this section, the term'' and inserting ''In this part—

''(1) the term 'sexual assault' has the meaning given the term in section 2008; and

''(2) the term''.

(b) APPLICATIONS.—Section 2102(b) of such Act (42 U.S.C. 3796hh–1(b)) is amended in

each of paragraphs (1) and (2) by inserting after ''involving domestic violence'' the following: ''or sexual assault''.

(c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.—Section 40295(a) of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 13971(a)) is amended in each of paragraphs (1) and (2) by striking ''domestic violence and dating violence (as defined in section 2003'' and inserting ''domestic violence, sexual assault, and dating violence (as such terms are defined in section 2008''.

SEC. 226. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking ''The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides'' and inserting ''Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides''.

(b) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking ''Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,'' and inserting ''Not later than one month after the end of each even-numbered fiscal year,''.

SEC. 227. CLARIFICATION OF RECIPIENTS AND PROGRAMS ELIGIBLE FOR GRANTS UNDER RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 13971) is amended as follows:

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States'' and inserting ''to States, Indian tribal governments, local governments, and public or private entities, for programs serving rural areas or rural communities''; and

(2) in subsection (b)—

(A) by inserting ''(1) the term'' before '''Indian tribe' means'';

(B) by striking ''Indians.'' and all that follows through the period at the end and inserting ''Indians; and

''(2) the terms 'rural area' and 'rural community' have the meanings given those terms in section 491(k)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(k)(2)).''.

Subtitle D—Preventing Crime

SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking ''an offense that'' and inserting ''a felony-level offense that''.

SEC. 232. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) MINIMUM ALLOCATION REPEALED.—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b).

(b) TECHNICAL ASSISTANCE AND TRAINING.—Such section is further amended by adding at the end the following new subsection:

''(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part.''.

SEC. 233. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking ''offenders with substance abuse problems'' and inserting ''offenders, and other individuals under the jurisdiction of the court, with substance abuse problems''.

SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

''(d) DEFINITION.—In this section, the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

''(1) directed at the substance abuse problems of the prisoners; and

''(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.''.

Subtitle E—Other Matters

SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of such Act (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking ''section 6503(d)'' and inserting ''sections 3335(b) or 6503(d)''; and

(2) by striking ''section 6503'' and inserting ''sections 3335(b) or 6503''.

(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section 204(f) of such Act is further amended by striking ''pursuant to section 501(a)'' and inserting ''pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)''.

(c) FUNDS AVAILABLE FOR ATFE MAY BE USED FOR AIRCRAFT, BOATS, AMMUNITION, FIREARMS, FIREARMS COMPETITIONS, AND ANY AUTHORIZED ACTIVITY.—Section 530C(b) of title 28, United States Code, is amended—

(1) in paragraph (2), in each of subparagraphs (A) and (B), by inserting ''for the Bureau of Alcohol, Tobacco, Firearms, and Explosives,'' before ''for the Drug Enforcement Administration,''; and

(2) by adding at the end the following new paragraph:

''(8) BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.—Funds available to the Attorney General for the Bureau of Alcohol, Tobacco, Firearms, and Explosives may be used for the conduct of all its authorized activities.''.

(d) AUDITS AND REPORTS ON ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note), as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 533 note) shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after ''the Bureau of Justice Statistics,'' the following: ''the Office for Victims of Crime,''.

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in subsection (a)(6) by inserting '', including placing special conditions on all grants, and determining priority purposes for formula grants'' before the period at the end.

SEC. 243. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking ''unless such requirement is terminated under'' and inserting ''for the time period specified in''.

SEC. 244. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAMS.—The following provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968 are repealed:

(1) CRIMINAL JUSTICE FACILITY CONSTRUCTION PILOT PROGRAM.—Part F (42 U.S.C. 3769–3769d).

(2) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Part AA (42 U.S.C. 3797a–3797e).

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking ''(a)'' before ''Whenever,''.

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking ''\, after reasonable notice and opportunity for a hearing,''; and

(B) by striking ''\, except as otherwise provided herein''.

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking ''(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))''.

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking ''program or project'' and inserting ''program, plan, or project''.

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking ''which'' and inserting ''\, including faith-based, that''.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking ''and'' at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(26) the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(27) the term 'private person' means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).''.

SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after ''The Attorney General'' the following: ''or the Secretary of Homeland Security, as applicable,''; and

(2) in subsection (b)(1)—

(A) by striking ''the Immigration and Naturalization Service'' and inserting ''the Department of Homeland Security'';

(B) by striking ''shall not exceed the lesser of the amount'' and inserting ''shall be the amount billed, not to exceed the amount'';

(C) by striking ''items and services'' and all that follows through ''the Medicare program'' and inserting ''items and services under the Medicare program''; and

(D) by striking ''; or'' and all that follows through the period at the end and inserting a period.

SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

''SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b).

''(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

''(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

''(1) The program under part Q of this title.

''(2) Any grant program carried out by the Office of Justice Programs.

''(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

''(c) PERFORMANCE AUDITS REQUIRED.—

''(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

''(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

''(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

''(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

''(B) at the end of each year of the grant period, if the grant period is more than 1 year.

''(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

''(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

''(f) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the activities of the Office of Audit, Assessment, and Management as authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

''SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

''(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

''(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

''(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

''(2) Providing information, training, and technical assistance.

''(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

''(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

''(5) Any other similar means.

''(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

''(d) BEST PRACTICES.—The Director shall—

''(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

''(2) incorporate those characteristics into the training provided under this section.

''(e) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the activities of the Community Capacity Development Office as authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect

90 days after the date of the enactment of this Act.

SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

"SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

''(b) DUTIES.—In carrying out the purpose of the Office, the Director shall—

''(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

''(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

"SEC. 108. AVAILABILITY OF FUNDS.

''(a) PERIOD FOR AWARDING GRANT FUNDS.—

''(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

''(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

''(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

''(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

''(c) DEFINITION.—In this section, the term 'DOJ grant funds' means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

''(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2004.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General shall ensure that, on and after September 30, 2007—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) ACHIEVING COMPLIANCE.—

(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2005, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 253. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).'';

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking ''ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—'' and inserting ''USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—'';

(B) by redesignating paragraphs (1) through (12) as paragraphs (5) through (16), respectively;

(C) by inserting before paragraph (5) (as so redesignated) the following new paragraphs:

''(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

''(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

''(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

''(4) improve security at schools and on school grounds in the jurisdiction of the grantee through—

''(A) placement and use of metal detectors, locks, lighting, and other deterrent measures;

''(B) security assessments;

''(C) security training of personnel and students;

''(D) coordination with local law enforcement; and

''(E) any other measure that, in the determination of the Attorney General, may provide a significant improvement in security;''; and

(D) by amending paragraph (8) (as so redesignated) to read as follows:

''(8) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;'';

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively;

(5) in subsection (c) (as so redesignated) by striking ''subsection (i)'' and inserting ''subsection (g)''; and

(6) by adding at the end the following new subsection:

''(j) MATCHING FUNDS FOR SCHOOL SECURITY GRANTS.—Notwithstanding subsection (i), in the case of a grant under subsection (a) for the purposes described in subsection (b)(4)—

''(1) the portion of the costs of a program provided by that grant may not exceed 50 percent;

''(2) any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection; and

''(3) the Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.''.

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd–1) is amended in subsection (d)(2) by striking ''section 1701(d)'' and inserting ''section 1701(b)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking clause (i) and all that follows through the period at the end and inserting the following:

''(i) $1,007,624,000 for fiscal year 2004;

''(ii) $1,027,176,000 for fiscal year 2005; and

''(iii) $1,047,119,000 for fiscal year 2006.''; and

(2) in subparagraph (B)—

(A) by striking ''section 1701(f)'' and inserting ''section 1701(d)''; and

(B) by striking the third sentence.

SEC. 254. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAMS.

(a) PERSONS ELIGIBLE FOR DEATH BENEFITS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Public Law 107–196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

''(7) 'member of a rescue squad or ambulance crew' means an officially recognized or designated public employee member of a rescue squad or ambulance crew;''; and

(3) in paragraph (4) by striking ''and'' and all that follows through the end and inserting a semicolon.

(b) CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting ''with respect'' before ''to any individual''.

(c) WAIVER OF COLLECTION IN CERTAIN CASES.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

''(k) In any case in which the Bureau paid, before the date of the enactment of Public Law 107–196, any benefit under this part to an individual who—

''(1) before the enactment of that law was entitled to receive that benefit; and

''(2) by reason of the retroactive effective date of that law is no longer entitled to receive that benefit,

''the Bureau may suspend or end activities to collect that benefit if the Bureau determines that collecting that benefit is impractical or would cause undue hardship to that individual.''.

(d) DESIGNATION OF BENEFICIARY.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

''(4) if there is no surviving spouse or surviving child—

''(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer's most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

''(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or''.

SEC. 255. RESEARCH-BASED BULLYING PREVENTION PROGRAMS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended by inserting before the semicolon at the end the following: '', which may include research-based bullying prevention programs''.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107–56.

(a) STRIKING SURPLUS WORDS.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking ''or'' at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking ''to be used to be used'' and inserting ''to be used''.

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking ''sections'' and inserting ''section''.

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107–56 is amended, effective on the date of the enactment of that section, by striking ''title 18'' and inserting ''title 28''.

(d) CAPITALIZATION CORRECTION.—Subsections (a) and (b) of section 2703 of title 18, United States Code, are each amended by striking ''CONTENTS OF WIRE OR ELECTRONIC'' and inserting ''CONTENTS OF WIRE OR ELECTRONIC''.

SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) PUNCTUATION CORRECTIONS.—The heading for section 1591 of title 18, United States Code, is amended by inserting a comma after ''**fraud**''.

(b) DUPLICATE SECTION NUMBERS.—The second section 540C in chapter 33 of title 28, United States Code, is redesignated as section 540D, and the item relating to that section in the table of sections at the beginning of that chapter is redesignated accordingly and transferred so as to be placed after the item relating to section 540C.

(c) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

''3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.''.

(d) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922), is repealed.

SEC. 303. MINOR SUBSTANTIVE AMENDMENT RELATING TO CONTENTS OF FBI ANNUAL REPORT.

Section 540D(b)(1)(A) of title 28, United States Code, as redesignated by section 302(b), is further amended by inserting ''and the number of such personnel who receive danger pay under section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (5 U.S.C. 5928 note)'' after ''year''.

SEC. 304. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless specifically authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominately internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 305. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) assuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department on the privacy of personally identifiable information, including the type of personally identifiable information collected and the number of people affected;

(5) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters;

(6) ensuring that the Department protects personally identifiable information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentially, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of that information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the Attorney General and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

(c) REVIEW.—The Department of Justice shall review its policies to assure that the Department treats personally identifiable information in its databases in a manner that complies with applicable Federal law on privacy.

SEC. 306. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

SEC. 307. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 308. TECHNICAL CORRECTION RELATING TO DEFINITION USED IN "TERRORISM TRANSCENDING NATIONAL BOUNDARIES" STATUTE.

Section 1958 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''facility in'' and inserting ''facility of''; and

(2) in subsection (b)(2), by inserting ''or foreign'' after ''interstate''.

SEC. 309. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting ''or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,'' after ''in a Federal prison,'':

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking ''one year'' and inserting ''five years''.

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking ''six months'' and inserting ''two years'' in each of subsections (a)(4) and (b).

SEC. 310. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(a) of title 18, United States Code, is amended in each of paragraphs (1) and (2) by inserting ''or an individual in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General'' after ''an inmate of a prison''.

SEC. 311. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: ''In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.''.

SEC. 312. RECOGNIZING THE 40TH ANNIVERSARY OF THE FOUNDING OF THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW AND SUPPORTING THE DESIGNATION OF AN EQUAL JUSTICE DAY.

(a) FINDINGS.—Congress finds that—

(1) on June 21, 1963, President John F. Kennedy and Attorney General Robert F. Kennedy convened 244 members of the National, State, and local private bar to provide legal representation to remedy racial discrimination against minority communities;

(2) without President Kennedy's vision for racial justice, the bar would have remained silent in the face of vocal resistance by Southern State legislatures against desegregation;

(3) for more than 4 decades, the Lawyers' Committee for Civil Rights Under Law (hereinafter in this section referred to as ''Lawyers' Committee'') has worked to advance the civil rights of African-Americans and other racial and ethnic minority communities in the areas of environmental protection, employment, affirmative action, fair housing, education, and voting;

(4) the Lawyers' Committee operated an office in Jackson, Mississippi, from 1964 through 1984, which filed numerous cases that transformed the State, including the defense of civil rights demonstrators, desegregation of many public institutions and workforces, reformation of the notorious Parchman Prison, and numerous voting rights cases resulting in a revolution in the number of African-American elected officials in State positions and Congress;

(5) the Lawyers' Committee fought for passage of the Civil Rights Act of 1964, Voting Rights Act of 1965 and the 1982 Amendments, Fair Housing Act of 1988, Civil Rights Act of 1991, and National Voter Registration Act of 1993;

(6) the Lawyers' Committee secured a landmark, unanimous United States Supreme Court decision that strengthened first amendment protections for peaceful political boycotts in Claiborne Hardware Co. v. NAACP;

(7) the Lawyers' Committee created a police community relations program in 1965 that recruited African-Americans for law enforcement positions and eased tensions between law enforcement officers and African-American communities;

(8) the Lawyers' Committee defended the students of Jackson State University following police shootings upon a peaceful demonstration that killed 2 persons and wounded a dozen others;

(9) the Lawyers' Committee operated its Cairo, Illinois office from 1969 through 1972 in response to intense racial unrest and police brutality in the city;

(10) the Lawyers' Committee recruited attorneys from the local bar to represent African-Americans who could not obtain legal counsel during the 1960s;

(11) the Lawyers' Committee transformed African-American voting strength by litigating critical cases throughout the South to oppose archaic voter discrimination laws, poll taxes, and literacy tests that prevented African-Americans from registering and voting;

(12) the Lawyers' Committee launched the Urban Areas Project in 1968, which resulted in local independent Lawyers' Committee offices in Philadelphia, Los Angeles, Boston, Chicago, San Francisco, Denver, San Antonio, and Washington, D.C.;

(13) the Lawyers' Committee developed the Southern African Project, which provided legal assistance to thousands of political detainees and technical assistance in resisting pro-apartheid legislation for more than 20 years and which monitored elections in Namibia in 1989 and elections in South Africa in 1994;

(14) the Lawyers' Committee led the defense of Executive Order 11246 when it was attacked during the Reagan Administration in the 1980s;

(15) the Lawyers' Committee litigated a series of cases from the 1970s to the present that desegregated police and fire departments throughout the Nation, notably in the State of Mississippi and in Miami, Birmingham, Cleveland, Nassau County, Buffalo, and Houston;

(16) in Givens v. Hamlet Estates, the Lawyers' Committee acquired the first seizure order in a fair housing case that led to the exposure of a decade old racial coding system that denied apartments to 6,000 African-Americans and Hispanics in Miami, Florida;

(17) the Lawyers' Committee obtained victories in 3 cases before the United States Supreme Court in 1996–1997 involving the Voting Rights Act, including Young v. Fordice, Lawyer v. United States, and King v. State Board of Elections;

(18) the Lawyers' Committee persuaded the Environmental Protection Agency to relocate 358 African-American families living around the Escambia toxic Superfund site in Pensacola, Florida;

(19) the Lawyers' Committee coordinated a Church Burning Project in the 1990s to provide free legal assistance to churches that were destroyed during a bitter rampage of racially motivated church burnings;

(20) in Washington Park Land Committee v. Portsmouth, the Lawyers' Committee secured a case settlement that led to the relocation of 185 families from toxic lead poisoned segregated public housing in Portsmouth, Virginia, to new integrated housing opportunities; and

(21) June 21, 2003 is the 40th anniversary of the founding of the Lawyers' Committee.

(b) RECOGNITION.—Pursuant to the findings in subsection (a), Congress—

(1) recognizes that these accomplishments of the Lawyers' Committee reflect the tremendous commitment to implementing justice that President Kennedy embarked on 40 years ago;

(2) recognizes the achievements of the Lawyers' Committee, as its staff and pro bono attorneys, clients, and friends commemorate and celebrate its 40th anniversary; and

(3) supports the designation of an appropriate day as ''Equal Justice Day'' in honor of the dedicated work of the Lawyers' Committee and the many hours of pro bono service offered by lawyers and law firms throughout this country to secure justice and equal opportunity for all.

TITLE IV—KOBY MANDELL ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Koby Mandell Act of 2003''.

SEC. 402. FINDINGS.

The Congress finds the following:

(1) Numerous American citizens have been murdered or maimed by terrorists around the world.

(2) Some American citizens who have been victims of terrorism overseas have not received from the United States Government services equal to those received by other such victims of overseas terrorism.

(3) The United States Government has not devoted adequate efforts or resources to the apprehension of terrorists who have harmed American citizens overseas. Monetary rewards for information leading to the capture of terrorists overseas, which the government advertises in regions where the terrorists are believed to be hiding, have not been advertised adequately.

(4) To remedy these and related problems, an office should be established within the Department of Justice for the purpose of ensuring equally vigorous efforts to capture all terrorists who have harmed American citizens overseas and equal treatment for all American victims of overseas terrorism.

SEC. 403. ESTABLISHMENT OF AN OFFICE IN THE DEPARTMENT OF JUSTICE TO UNDERTAKE SPECIFIC STEPS TO FACILITATE THE CAPTURE OF TERRORISTS WHO HAVE HARMED AMERICAN CITIZENS OVERSEAS AND TO ENSURE THAT ALL AMERICAN VICTIMS OF OVERSEAS TERRORISM ARE TREATED EQUALLY.

The President shall establish within the Department of Justice an office (hereinafter in this title the ''Office'') to carry out the following activities:

(1) The Office shall create the Bringing Terrorists to Justice program, and in so doing will ensure that—

(A) rewards are offered to capture all terrorists involved in harming American citizens overseas, regardless of the terrorists' country of origin or residence;

(B) such rewards are prominently advertised in the mass media and public sites in all countries or regions where such terrorists reside;

(C) the names and photographs and suspects in all such cases are included on a web site; and

(D) the names of the specific organizations claiming responsibility for terrorist attacks mentioned on the site are included in the descriptions of those attacks.

(2) The Office shall establish and administer a program which will provide notification for American victims of overseas terrorism or their immediate family to update them on the status of efforts to capture the terrorists who harmed them.

(3) The Office shall work with the other United States government agencies to expand legal restrictions on the ability of murderers to reap profits from books or movies concerning their crimes—the ''Son of Sam'' laws that currently exist in many States, so as to ensure that terrorists who harm American citizens overseas are unable to profit from book or movie sales in the United States.

(4) The Office shall endeavor to determine if terrorists who have harmed American citizens overseas are serving in their local police or security forces. Whenever it is found that terrorists who have harmed American citizens overseas are serving in their local police or security forces, the Office shall alert those United States Government agencies involved in providing assistance, directly or indirectly, to those forces, and shall request of those agencies that all such assistance be halted until the aforementioned terrorists are removed from their positions.

(5) The Office shall undertake a comprehensive assessment of the pattern of United States indictments and prosecution of terrorists who have harmed American citizens overseas, in order to determine the reasons for the absence of indictments of terrorists residing in some regions. The Office's assessment shall then be provided to the Attorney General, together with its recommendations.

(6) The Office shall endeavor to monitor public actions by governments and regimes overseas pertaining to terrorists who have harmed American citizens, such as naming of schools, streets, or other public institutions or sites after such terrorists. In such instances, the Office shall encourage other United States Government agencies to halt their provision of assistance, directly or indirectly, to those institutions.

(7) In cases where terrorists who have harmed Americans overseas, and are subsequently released from incarceration abroad, are eligible for further prosecution in the United States, the Office shall coordinate with other government agencies to seek the transfer of those terrorists to the United States for further prosecution.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2004 and subsequent fiscal years such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Amounts appropriated under subsection (a) are authorized to remain available until expended.

TITLE V—MATTERS RELATING TO INTELLIGENCE AND COUNTERINTELLIGENCE

SEC. 501. FBI OFFICE OF COUNTERINTELLIGENCE.

(a) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by inserting after section 535 the following new section:

''§ 535A. Office of Counterintelligence

''Subject to the supervision of the Attorney General, the Director of the Federal Bureau of Investigation may establish an Office of Counterintelligence within the Bureau to investigate potential espionage activities within the Bureau.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 535 the following new item:

''535A. Office of Counterintelligence.''.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Madam 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. 3036 currently under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 3036, the Department of Justice Appropriations Authorization Act for Fiscal Years 2004 through 2006.

During the 107th Congress, I was pleased to secure bipartisan passage of the 21st century Department of Justice Authorization Appropriations Act, which comprehensibly reauthorized the Department of Justice for the first time since 1979. During consideration of that legislation, I committed to pursuing a regular authorization process to ensure that the Committee on the Judiciary provides the Department of Justice with clear guidance and continuing oversight.

With an annual budget of around $20 billion and a workforce of more than 100,000 employees, the Department of Justice is an enormous institution. Its importance has only increased since the tragic events of September 11, 2001.

As chairman of the Committee on the Judiciary, I have worked to provide the Department with the necessary resources to assess, prevent, and punish terrorist acts that threaten America's domestic security while preserving our civil liberties. The committee has also worked to ensure that the Department's structure, management, and priorities are tailored to best fulfill its numerous other missions.

Over the last several months, the committee has conducted several hearings to identify the needs and priorities of the department. These hearings reflected the committee's continuing commitment to oversee all of the Department's activities. This bill reflects the information obtained in those hearings.

H.R. 3036 is divided into five titles. The first title authorizes the Department of Justice appropriations for fiscal years 2004 through 2006. With minor exceptions, these authorizations generally reflect the President's budget request.

Title II makes numerous improvement and upgrades to the Department's grant program. Most importantly, it combines the current Byrne formula grant, Byrne discretionary grant, and Local Law Enforcement Block Grant programs into one Byrne Memorial Justice Assistance Grant Program with an authorization similar to the amount appropriated for all three programs in recent years and a formula that closely follows current law. The administration has requested this consolidation as a way of better serving State and local governments.

It reauthorizes the COPS program while recasting it as one single block grant program covering all of its current purposes so local governments will need only to file one COPS application for any of these purposes. I believe that this will greatly improve the efficiency of the COPS program.

Among other changes, title II provides for new auditing and training capacity for all DOJ grant programs to eliminate waste, fraud, and abuse. It provides the first statutory authorization for the Weed and Seed Program. It establishes a congressional medal and plaque for individuals in units that responded to the 9/11 attacks. And, finally, this reauthorizes the bulletproof vest program.

Title III makes a variety of miscellaneous changes to other aspects of the Department of Justice. It requires DOJ to use existing Federal facilities for training and conferences as opposed to paying for private facilities. It also establishes a dedicated privacy officer at the Department to ensure that the Department utilizes technologies that do not erode privacy protection relating to the use, collection and disclosure of personally identifiable information.

Modeled after the privacy officer this committee established in the Department of Homeland Security, this provision advances the committee's uncompromising commitment to the preservation of civil liberties at the Department.

Title IV establishes a new office within DOJ designed to assist in the capture of terrorists who harm Americans overseas.

Title V provides a statutory authorization to the already existing FBI Office of Counterintelligence.

I introduce this legislation with the support of the gentleman from Michigan (Mr. CONYERS), and I have worked closely with him on it in every step of the way. Bipartisan cooperation was the hallmark of this legislation in the last Congress, and I am pleased that this spirit of bipartisanship continued in this Congress. We have also worked closely with the appropriators to meet their concerns.

H.R. 3036 provides the Department with the tools, resources and direction necessary to operate efficiently and effectively. By identifying solutions to the growing challenges faced by Federal law enforcement, this committee and Congress will be the strong partner the Department needs as we work for the safety and security of all Americans.

I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, first I would like to extend my thanks and gratitude to the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for making this part of the hallmark of the

Committee on the Judiciary that we are going to start to continue to have reauthorization bills on the floor for DOJ. I think that is an important thing. For too long it has gone without.

This is a large, important bill and an important part of our government. Now the next step is to have it under regular orders, to have the bill open for amendments, to have the people have the opportunity to offer suggestions. They are a diverse element of this bill. I think it would serve this body well to have an active debate about some of the elements therein and be able to go through the regular process of amendments to perfect the bill even further.

This bill has some very excellent provisions, not the least of which, as the chairman mentioned, is the reauthorization for the first time in a while of the COPS program. The COPS program is by just about every measure a success. It is one of those programs that is extraordinarily democratic, with a small D. Small towns, big cities have all benefited from the police hirings that have gone on.

This is something that transcends politics. It transcends regions. While we can have a debate, and we often do, where criminologists suggest why crime might be going down nationwide, we have academics that have taken a look at it, at the end of the day I believe it is because we in the Federal Government got off the sidelines with the COPS program and started to provide funding for States and localities to provide law enforcement officials.

Now we have a situation where there are over 110,000 cops presently funded to walk the beat all over the country with funding provided by this Congress. This bill would reauthorize it and improve it.

It is not an accident that this has broad bipartisan support. A coalition of Members just recently wrote to the Appropriations Committee urging that the COPS components be fully funded. It includes the gentleman from Michigan (Mr. STUPAK), the gentleman from Minnesota (Mr. RAMSTAD), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Pennsylvania (Mr. PLATTS), the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Florida (Mr. KELLER), the gentleman from New York (Mr. QUINN), and myself.

It should be pointed out, though, that the President for the second year in a row included zero dollars and zero cents in his budget for the hiring components of the COPS program.

We have heard over and over again the Attorney General and the Deputy of Homeland Security Secretary say homeland security starts in our home towns. We go periodically to higher levels of alert where we tell our local law enforcement officials, our local first responders, you have got to absorb more responsibility. Yet, at the same time, we in the Federal Government have been reluctant to provide that funding. This authorization bill changes that with a program that would provide over the course of the bill $3 billion worth of funding.

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Another provision that is included in this bill that is long overdue is getting our Department of Justice off the sidelines in another issue, and that is, that increasingly, by dint of terrorism overseas, U.S. citizens are dying. And simply put, the enforcement, the indictment, the investigation of those crimes is not happening.

We have seen 36 Americans murdered by Palestinian terrorists alone since the Oslo Accords have been signed; yet there have been zero indictments. There have been no real rewards. Suspects' names and faces have not been listed by the Justice Department. The Koby Mandell Act, which was authored by the gentleman from New Jersey (Mr. ANDREWS) and included in this bill, changes that; but there are things that are not included in this bill that if it would have been open rule, we would have had an opportunity to include

In 2000, we in this Congress recognized that we had a real problem after a GAO study showed that increasingly very realistic-looking badges were falling into the hands of those that should not have them. This is before September 11. A person can today go on to the Internet and search for collectible badges, and they can find realistic ones that are so realistic that they can pass for NYPD badges, Customs Department, FBI and all kinds of others. The reason is, although it is illegal to possess a badge like that, there are some very big loopholes that you can drive a truck through.

For example, if you are a collector and you certify that you are, you can purchase one of these badges. If you are someone that is using it for a movie or an entertainment purpose, you can get one of these badges. There is even an exemption in the law, a loophole in the law, if you want to use the badge for recreational purposes. Now I do not know how sophisticated a game of cops and robbers someone is interested in playing, but this is a very serious issue in the context of so many check points that we have now, so many security lines that people have to cross. These badges have caused a problem.

Over 1,200 times in New York City alone, someone has used a fake badge for illicit purposes. This is a very easy loophole to close. I would have liked the provision to have been included in the bill. It would have been a nice thing to offer, and I believe it would have had the support of this House.

If you are a collector, you can still get a badge. It has to be encased in Lucite, very simple. If you are someone who is in a movie or a film production, you have to go to the law enforcement authority wherever you are shooting and get them to sign off that you are using this badge for that purpose, and there absolutely should not be an exemption for ''recreational purposes.'' These badges are being used in some cases by true collectors; but in many cases, they are being used for illegal and illicit purposes.

Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

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

Madam Speaker, I rise today in strong support of the Department of Justice Reauthorization Act, which includes the text of H.R. 1708, the Bulletproof Vest Partnership Grant program.

I would begin my remarks by thanking my dear colleague, the gentleman from New Jersey (Mr. LOBIONDO), the sponsor of H.R. 1708. I have given him my heartfelt gratitude for his leadership on this issue.

I also want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from South Carolina (Chairman COBLE), the gentleman from Michigan (Mr. CONYERS), the ranking members, as well as the gentleman from Virginia (Mr. SCOTT), for all of their support and cooperation in this endeavor.

Madam Speaker, I first authored and introduced the Bulletproof Vest Partnership Grant Act with the gentleman from New Jersey (Mr. LOBIONDO) in 1997 after meeting with northwest Indiana police officers and hearing that many gang members and drug dealers had the bulletproof vests while many police officers did not. I was even more troubled to learn that the reasons so many officers did not have access to bulletproof vests was because of their prohibitive expense.

As my colleagues know, the purpose of the Bulletproof Vest Partnership Grant program is to protect the lives of law enforcement officers by helping States and local governments equip them with vests. Many departments simply cannot afford to purchase vests for all of their officers, a fact which sometimes forces officers to purchase their own.

Unfortunately, between 1992 and the year 2001, 594 police officers were shot and killed in the line of duty. Of those slain, roughly half were not wearing bulletproof vests because their departments could not afford them.

This act, among other things, recognizes that the lack of protective body armor is even more evident not only in large cities, but in small rural departments. Statistics show that officers in smaller departments are much less likely to have vests than their counterparts in large metropolitan departments. That is why, in order to make sure that no community is left out, half of the funds in the vest partnership act are reserved for jurisdictions with fewer than 100,000 residents.

In closing, the police officers who risk their lives for all of us are mothers and fathers. They are sons and daughters. It is our obligation to the officers and their families to give them access

to the equipment that will safeguard them; and, again, I appreciate the gentleman from New Jersey's (Mr. LOBIONDO) leadership and the chairman's leadership on this issue and ask for support of the legislation.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Madam Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) very much for his leadership on this, and I thank the gentleman from Indiana (Mr. VISCLOSKY) for his partnership.

We joined in 1997 after similar incidents in our districts, totally separated, joined us together on this particular issue. I urge my colleagues to support this. It is something that will make a difference in real terms in people's lives.

The legislation reauthorizes the grant program until 2007. The current authorization is set to expire this year.

Congress has overwhelmingly approved the program twice before, first in the 105th and then in the 106th. In the 105th Congress, at that point in time, I had two groups within my district, Vest-A-Cop and Shield of Blue, that were raising money to provide vests for police officers basically by sub sales and bake sales and raising a dollar at a time. We recognized through a very tragic incident where a corrections officer at Bayside State Prison, Officer Fred Baker, while on duty was stabbed in the back by an inmate. He did not have a protective vest. We can only speculate if Officer Baker would be alive today, but many of us believe that he would be.

After that incident, the gentleman from Indiana (Mr. VISCLOSKY) and I got together, drafted the legislation and went to work on it; and we are very pleased that our colleagues were able to support it.

This Bulletproof Vest Partnership Act program has directly benefited every U.S. State and territory. A bulletproof vest is one of the most important pieces of equipment an officer can have. Many times, it can mean the difference between life and death.

Every day, law enforcement officers are confronted by violent criminals armed with deadly weapons. While many officers wear vests to protect themselves, an alarming number of officers across the United States are not afforded the same protection because of budget constraints.

The Bulletproof Vest Partnership Act Grant program has helped State and local law enforcement purchase these vests and in response has saved countless thousands of lives. In 2002 alone, the Bulletproof Vest Partnership Grant Act has provided $25 million to State law enforcement agencies across America. This program has provided more than 700,000 of these life-saving vests since its inception in the beginning of the program; and in turn, in this last year, the program has helped fund more than 188,000 new vests, giving vital protection to thousands of law enforcement officers nationwide.

I again thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his support and the gentleman from Indiana (Mr. VISCLOSKY), and I urge my colleagues to support the legislation.

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman from New York for yielding me the time.

I rise only to speak to the COPS program that over the years we have seen, not only has it been enthusiastically received by the Members of Congress, but it has been received enthusiastically where it counts, in the local municipalities, counties, cities and rural areas where, had it not been for the COPS program implemented under the Clinton administration, many of these individuals would be without the necessary security and law enforcement that they need.

In the backdrop of 9/11, many of us view the COPS program as a rainy-day umbrella, if you will, of local communities in providing them with the resources that they could not pay for themselves.

Particularly, in large cities, even cities like Houston, we are finding that increasingly large numbers of our police officers are reaching retirement age, and we are not able to fill those spots as quickly as we would like. Particularly after 9/11, and even in the last couple of weeks and days, we have noted a high number of reported terrorist activity, some that has been intercepted, which of course, as a member of the Select Committee on Homeland Security, I am gratified for; but we are seeing a large amount of those activities occurring around the world.

Certainly the United States is equally vulnerable; and I believe in this time it is important that we promote a program that has proven to be successful, and that is, the utilization of Federal dollars to supplement the hiring of those in local communities that are part of law enforcement.

The other issue that comes up repeatedly now in these recent days after 9/11 is a large amount of dollars that local law enforcement are spending when the alerts go up and the delay in the reimbursement money sometimes promised by the Federal Government. It would certainly be helpful if they already had the necessary police officers already staffed, as opposed to using excessive overtime.

So I just ask my colleagues that as we proceed with this legislation that we look to promote that language to provide for more support of the COPS program.

I do want to note, however, the importance of language dealing with the assistance of victims of crime, particular grants to local nonprofit organizations to improve outreach to services to victims of crime.

In my own community right now, there is a terrible trial proceeding with the allegations of a mother that bludgeoned to death two of her children and wounded an infant child of hers on the basis of allegations and defense that she is making, but the point is that family is in disarray, and they are victims of crime; and they will need the outreach services, particularly now for the injured child, remaining child that is alive and the father and family members that are suffering from this terrible, terrible crime that has occurred. Victims are lonely, isolated; and this particular provision in order to outreach to those victims is very, very important.

I would ask my colleagues to consider these matters and ask that we work on these points as we move through the legislation.

Madam Speaker, I rise in support of this legislation, H.R. 3036, to Authorize Appropriations for the Department of Justice for Fiscal Year 2004–2006. I contributed in marking this bill up in Full Judiciary Committee in September of last year.

I firmly believe that the Department of Justice should receive the full support of Congress and should be properly funded to provide essential protection for the American people. The missions of the various branches of the Department of Justice are even more important since September 11, 2001. This important Federal agency must have our full support to adequately carry out its mission.

My staunch support of the Department of Justice and all agencies that also carry out duties essential to our homeland security and public safety does not imply that I believe these agencies should not adhere to strict standards and be asked to live up to lofty goals that should be standard for our nation. The Law Enforcement and Criminal Justice Agencies, Bureau of Justice Statistics, the Office of Justice Programs, and the Criminal Division must comport themselves with expert efficiency.

The Office of Justice Programs, OJP, is responsible for a variety of criminal justice programs including several that are of particular interest to me: juvenile justice, violence against women and crime prevention related to homeland security. OJP assumes the important responsibility of preventing and controlling crimes. I am a firm believer in eliminating crime before it starts. I applaud OJP's efforts to cooperate with many Federal agencies to rebuild neighborhoods, control gang activity, and prevent drug trafficking.

With these objectives are commendable there is a need to get results. There is still high incidence of drug trafficking, gang membership, juvenile crime, and violent crime. For example, according to the Bureau of Justice statistics in my home State of Texas in 2000, there were 122,155 violent crimes. Of which, 77,306 were aggravated assaults, 35,348 were robberies, and 8,169 were forcible rapes. These numbers need to decline. I look forward to hearing the testimony from the Office of Justice Programs to hear we can reduce these high crime rates.

Finally, the Criminal Division of the Department of Justice is also a multi-faceted criminal justice organization with a homeland security segment. Within the many organizations of the

criminal division is a counterterrorism and domestic security section. The Criminal Division also handles cases related to child obscenity and international crime.

The many criminal areas investigated by the Department of Justice Criminal Division and the other agencies we are hearing testimony from today are prime possibilities for discrimination and violations of civil liberties. For example, within each of these organizations there are disparities in minority hiring.

In the U.S. Marshal, for instance, 35 of the current 94 Marshals are women or minorities, and there are currently lawsuits pending against the Marshals regarding discrimination, although women and minorities do comprise a substantial portion of the leadership committees within the Marshals. There also needs to be a greater effort in racial sensitivity training.

We also need to do more to hire more minorities and women in the Department of Justice. For example, a recent OPM study found that while African-Americans generally exceeded their relevant civilian labor force representation in 16 Federal executive departments, less than 16 percent of those employed by the DOJ were African-American. And while the DOJ consisted of 37.7 percent women, that number was over 9 percent unrepresentative of what it should have been based on hiring practices of women in the civilian work force.

As we consider authorizing these various agencies, we must ensure they are not guilty of violating civil liberties in the course of their duties. Racial profiling is one example of an unacceptable criminal investigation technique. Racial profiling is a very serious problem in our criminal justice system. Although African-Americans make up only 14 percent of the population nationwide, they account for 72 percent of all routine traffic stops.

An ACLU analysis of Maryland State Police data showed that 73 percent of cars stopped and searched on Interstate 95 between Baltimore and Delaware from January 1995 through September 1997 were those of African-Americans, despite the fact that only 14 percent of those driving along that stretch were Black. Moreover, police found nothing in 70 percent of those searches. Similarly, in Florida, 70 percent of the persons stopped on I–95 were African-American, even though they made up less than 10 percent of the driving population. Data also shows that Hispanics are similarly targeted disproportionately by law enforcement agencies across the Nation.

For the reasons above-stated, I support this bill, Madam Speaker.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security.

Mr. COX. Madam Speaker, I rise in strong support of the Department of Justice authorization bill, and I commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) for their leadership and their bipartisan cooperation on this vital function of our national government.

Madam Speaker, I also rise for the purpose of engaging in a colloquy with my good friend, the chairman of the Committee on the Judiciary.

The Department of Justice bill contains a provision which limits the Federal Bureau of Investigation's participation in the Terrorism Threat Integration Center as follows: the provision states that funding will be provided ''as may be necessary to assign employees to the Terrorism Threat Integration Center: provided, that such amounts may only be expended for analyzing intelligence information.''

I understand the intent of this language is to ensure that TTIC does not become a domestic surveillance or collection agency. However, I want to be clear that there was no intention to create barriers to information sharing between the FBI and TTIC and between and among other partners in TTIC, such as the Department of Homeland Security.

Since September 11, Congress and the gentleman from Wisconsin (Chairman SENSENBRENNER) have worked tirelessly to tear down these information-sharing barriers. I want to be sure that this provision will in no way interfere with TTIC's right to receive information from the FBI or its responsibility to provide information to the FBI and the Department of Homeland Security. TTIC's partnership with DHS is critical to the Department's mission to prevent terrorist attacks.

In addition, it may be appropriate for the FBI to assign employees to TTIC to assist in the administration and management of TTIC, and I understand that it is not the chairman's intent through this language to limit such FBI's participation and assistance. Is my understanding of this provision accurate?

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

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

Mr. SENSENBRENNER. The answer to the gentleman's question is yes.

Mr. COX. Madam Speaker, I thank the chairman.

Mr. WEINER. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, I thank my friend from New York for yielding me the time.

I would like to express my appreciation to the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Michigan (Ranking Member CONYERS), and especially the gentleman from New York (Mr. WEINER) for the outstanding efforts in including in this worthy piece of legislation a provision that has been called the Koby Mandell Act.

Koby Mandell was a 13-year-old boy in May of 2001 who until he was in fourth grade had lived in the United States in Maryland and his family moved to Israel. In May of 2001, Kolbe and a friend of his went hiking, and they were never to return.

During their youthful enjoyment of a hiking outing, Kolbe and his friend were stoned to death by Palestinian terrorists. Now, when an American citizen leaves this country for purposes of living somewhere else, he or she certainly should not leave behind the protection of justice.

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Unfortunately for Koby Mandell and his family, the concept that passes for justice in the occupied territories did not protect him. Because since the time of his murder, there has been no meaningful investigation or prosecution to bring to justice those who committed this murder. When our citizens travel around the world and are not protected by the law of other places, it is our responsibility to step forward and protect them. That is what this language does.

I especially want to thank the gentleman from New York (Mr. WEINER), without whose active participation this would not have happened. He used his considerable legislative skills to shepherd through the committee, with the cooperation of the chairman and ranking member, this language.

Here is what it means. The Department of Justice will set up an office that will offer and enforce rewards for those who murder Americans when they are on foreign soil, irrespective of where they are on foreign soil. This office will monitor the outcome of any prosecution or incarceration of a person who has murdered an American citizen. If such a person is released from a prison in another land or is not properly dealt with in another land, this office will have responsibility to extradite and bring to trial in this country a person who has committed a crime against an American citizen, to the extent that our laws would permit such a prosecution.

This office will be, further, responsible for making sure that if any official authorities that may have been complicit in the murder of the American are still in place, that is to say, if people who are security agents or police officers responsible for the murder of an American citizen are still in place, that appropriate diplomatic and economic actions would be taken against the government that sponsors those authorities. Sadly, in many parts of the world, those who wear the cloak of authority are responsible for criminal acts, murderous acts against Americans and other innocent people.

This provision will by no means stop the murder of innocent Americans when they travel abroad, but it will provide us with a new and meaningful tool that will bring to justice those who would commit such heinous acts against innocent people. It is sad that a 13-year-old boy had to give his life, but it is inspiring that his sacrifice of his life has led this institution to consider this very worthy provision.

Again, I am very grateful to the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), to the

ranking member, the gentleman from Michigan (Mr. CONYERS), and especially to the gentleman from New York (Mr. WEINER) for their skill in including this measure in the underlying legislation. I hope that we will continue to work together as Republicans and Democrats to see that this newly created office will be properly funded so that it may do the job I just talked about.

No American should be without the protection of justice, irrespective of where he or she travels in the world. I believe this is an important provision to help ensure that promise. Once again, I thank the leaders for including it in the bill.

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

I wanted to conclude the way I began, by offering my thanks to Chairman SENSENBRENNER. He has made this Committee on the Judiciary one that functions in a no-nonsense fashion. We legislate. We very often disagree on issues, but they are all heard. And I think he has also done an excellent job in protecting the prerogatives of the committee, making sure that important things like the funding of the Judiciary, of the Justice Department, is not left entirely to the appropriators and that we have an opportunity to craft a bill.

I would now encourage our colleagues in the other body to get going. They have many of these provisions they are also looking at. I understand they are going to take up this bill. I would urge them to do so quickly. And I think that we should, as the chairman said, get in the habit of treating this agency like others. There are sticky issues, but I think we have shown in the Committee on the Judiciary that we can navigate them.

I do want to make reference to one point, because many of my colleagues have mentioned it in passing. There is a great deal of controversy, I think much of it overblown, about the PATRIOT Act. I think supporters of the PATRIOT Act have wildly overstated its impact, and detractors have wildly overstated the impositions put on Americans. But I think the chairman deserves credit for fully funding the Inspector General's Office, with particular attention being paid to making sure that PATRIOT Act investigations are being done in an aboveboard way that does not violate the rights of Americans and that as we review the PATRIOT Act as it prepares to sunset that we have a full arsenal of information at our disposal.

I wanted to also offer my thanks to some members of the staff here at the on the Democratic side of the Committee on the Judiciary, Sampak Garg, Perry Apelbaum, Ted Kalo, Bobby Vassar, Greg Barnes, and Marc Dunkelman of my staff. In particular, I would like to offer my gratitude to Lamar Robertson, who has been my counsel on the Committee on the Judiciary for years now and has done so with remarkable aplomb, remarkable intellect, with a great sense of humor. He will be missed by those of us with whom he serves in the House, and this part in particular that deals with the COPS program is a testament to his hard work.

With that, I offer my thanks to the chairman, and I urge a ''yes'' vote.

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

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

Madam speaker, I, too, would like to thank the staff that worked very hard to negotiate this bill to get the overwhelming bipartisan support that it receives.

Let me say that this is a work in progress, as was the DOJ reauthorization bill that the Congress passed and the President signed last Congress, which was the first Department of Justice reauthorization that had been done since 1979.

The gentleman from New York has a legitimate concern about the sale of fake law enforcement badges. Let me say that we had hoped to include some language relative to that issue in this bill, but the devil was in the details and we could not agree upon the details before the bill came to the floor.

That does not put the issue to bed forever. When we deal with this issue in conference, I am hopeful that we will be able to get some language inserted into the final bill that goes down to the White House that deals with fake badges, because this is a very legitimate issue and there ought to be additional penalties for those who use fake badges over and above the penalties for impersonating a police officer.

So I am hopeful that the other body will deal with this issue promptly.

It does make some very beneficial improvements to how the Department of Justice deals with its grant programs, particularly with relationship to law enforcement. It does reauthorize the bulletproof vest program. And the material that has been inserted in the bill that the gentleman from New Jersey (Mr. ANDREWS) talked about, about an extraterritorial application when crimes are committed against a United States citizen and the law enforcement of the host country will not deal with that issue, I think are vitally important.

So this bill is a tremendous step in the right direction. It is a good bill. It will be made better as we continue working on it, and I am hopeful that before this Congress adjourns that it will be signed into law. I urge a ''yes'' vote.

Mr. VISCLOSKY. Madam Speaker. I rise today in strong support of H.R. 3036, the Department of Justice Reauthorization Act, which includes the text of my legislation, H.R. 1708, the reauthorization of the successful Bulletproof Vest Partnership Grant Program.

At the outset of my remarks, I would like to thank Chairman SENSENBRENNER and Chairman COBLE as well as Ranking Member of the full Committee Mr. CONYERS and the Ranking Member of the Crime Subcommittee Mr. SCOTT for their past support and efforts on behalf of this important legislation. I would also be remiss if I did not express my heartfelt gratification and thanks to the gentleman from New Jersey, Mr. LOBIONDO, the lead cosponsor of H.R. 1708.

Madam Speaker, I am very excited to be on the floor of the House once again to reauthorize the Bulletproof Vest Partnership Grant Act for a second time. As you know, the original measure was approved by this body with an overwhelming majority in the 105th Congress. Due to the success of the program, it was reauthorized for an additional 3 years in the 106th Congress. Section 207 of today's measure will reauthorize this program, once again, through fiscal year 2007.

If could take a step back Mr. Speaker, I first authored and introduced the Bulletproof Vest Partnership Grant Act in November 1997 after meeting with Northwest Indiana police chiefs and hearing that many gang members and drug dealers had the protection of bulletproof vests, while many police officers did not. I was even more troubled to learn the reason why so many officers do not have access to bulletproof vests. During a visit I made to the local chapter of the Fraternal Order of Police in Dyer, Indiana, officers explained to me that bulletproof vests are prohibitively expensive. A good vest can cost upwards of $500. Many small departments, as well as some larger ones, simply cannot afford to purchase vests for all of their officers, a fact which sometimes forces officers to purchase their own. My original legislation quickly gained overwhelming bipartisan support in this body, due to the fact that similar problems were being experienced by local police departments all across the United States and President Clinton signed the legislation into law in June of 1998 as P.L. 105–181.

Northwest Indiana's police officers work hard to keep the public safe, often at great personal risk to themselves. I am committed to securing the safety equipment these brave men and women need, so they can do their jobs and keep our communities safe. The Bulletproof Vest Partnership Grant Program has been effective in saving the lives of law enforcement officers. According to statistics provided by the Lake County, Indiana, Sheriff's Department, bulletproof vests secured under this program have saved the lives of 18 police officers in that county alone.

Between 1999 through the end of 2003, 23 different law enforcement entities throughout my District have purchased a total of 1,119 vests to protect their police officers. Whether it is the largest city in my District, Gary, with a population of nearly 103,000 people and a current force of 296 police officers purchasing 678 vests, the Town of Merrillville, with a population of 30,500 and a current force of 52 police officers purchasing 89 vests, or in the cases of a smaller police department, like St. John Indiana, with a population of 8,300 and a force of 14 fulltime officers purchasing 34 vests for their officers, this program has worked to protect the lives of those who protect us.

As you know, the purpose of the Bulletproof Vest Partnership Grant Program is to protect the lives of law enforcement officers by helping States and local governments equip them

with bulletproof vests. Bulletproof vests and body armor have saved thousands of lives since the introduction of the modern bulletproof material, however, they cannot protect the lives of those who do not have access to them. Unfortunately, between 1992 and 2001, 594 police officers were gunned down in the line of duty. Of those slain, roughly half were not wearing bulletproof vests because sadly, their departments could not afford to provide them with these lifesaving pieces of equipment. The Federal Bureau of Investigation has estimated that the risk of fatality from a firearm for officers not wearing body armor is 14 times higher than for officers wearing body armor. The Fraternal Order of Police have stated that, "body armor is one of the most important pieces of equipment an officer can have and often mean the difference between life and death." According to the IACP/Dupont Kevlar Survivors Club, there are over 2,750 law enforcement officers in the United States who are alive today thanks to the bulletproof vests they were wearing.

The Bulletproof Vest Partnership Grant Program has directly benefited every State and territory of the United States. This critical program provides State, local, and tribal law enforcement officers with needed protection by aiding the purchase of protective equipment. More than 700,000 bulletproof vests are worn today as a direct result of this program.

The Act also recognizes that the lack of protective body armor is even more evident in small, rural police departments. Statistics show that officers in smaller departments are much less likely to have vests than their counterparts in large metropolitan departments. H.R. 1708, the text of which is included in Section 207 of this legislation, would meet the goal of saving officers' lives by reauthorizing the current grant program within the Justice Department for an additional 3 years, providing 50–50 matching grants to State and local law enforcement agencies. These grants are targeted to jurisdictions where most officers do not currently have access to vests, and they are designed to be free of the red tape that often characterizes other grant programs. That is why, in order to make sure that no community is left out of the program, half of the funds are reserved for jurisdictions with fewer than 100,000 residents.

In closing, the police officers who risk their lives are mothers and fathers, and they are sons and daughters. It is our obligation, to the officers and their families, to give them access to the equipment that will safeguard their lives. This legislation is intended to create a partnership with State and local law enforcement agencies in order to make sure that every police officer who needs a bulletproof vest gets one.

I thank Madam Speaker and urge my colleagues to support the underlying bill.

Mr. CONYERS. Madam Speaker, I rise in support of this legislation. I first would like to commend Chairman SENSENBRENNER for reasserting the Judiciary Committee's jurisdiction over the Department of Justice with this bill. In the past few years, the Justice Department has become increasingly resistant to congressional oversight, either refusing to answer questions or answering them vaguely at best. Fortunately, we worked together at the Committee level to address our concerns with the Department and arrived at the bill before us today.

While the bill has numerous provisions that are worth notice, I would like to concentrate on a few. First, the bill reauthorizes the COPS office. We all know that this Clinton administration program has been increasingly vital in day-to-day crime prevention and crime solving. That is why COPS has received the praise of the Fraternal Order of Police, the largest law enforcement organization in the country. Local policing also is the backbone in our war on terrorism, as community officers are more likely to know the witnesses and more likely to be trusted by community residents who have information about potential attacks. This bill provides over $1 billion per year for three fiscal years for this important program.

The bill also includes language offered by my colleague Rep. ADAM SCHIFF to require the Attorney General to submit reports to Congress on the number of persons detained on suspicion of terrorism. This is important because the Department has thwarted congressional and judicial efforts to obtain justification for terrorism detainees. In the past few years, the Department's Office of the Inspector General has found that the Department and its components had abused terrorism suspects, pushing them into walls, leaving them in legal limbo, and depriving them of access to family or counsel. With these reports, elected representatives can better determine whether the Department is overstepping its bounds again.

Third, the bill gives the Office of the Inspector General over $70 million for its responsibilities. In the past few years, the OIG has been diligent in overseeing the Department's war on terrorism, issuing reports on 9/11 detainees and pushing the Department to change how its procedures for handling terrorism suspects. The bill provides that the increased funding should be used largely for continuing their PATRIOT Act-related functions.

Finally, the bill recognizes the 40th anniversary of the founding of the Lawyers' Committee for Civil Rights Under Law. It was President Kennedy's vision that brought members of the bar together to fight for the civil rights of all Americans. The Lawyers' Committee continues that fight and deserves our recognition and thanks.

I urge my colleagues to vote "yes" on this legislation.

Mr. ACEVEDO-VILÁ. Madam Speaker, I rise in strong support of the Department of Justice Reauthorization Act. I commend Judiciary Chairman SENSENBRENNER, Ranking Member CONYERS, and other members of the Judiciary Committee for their diligent work on this bill. This bill makes important changes and adjustments to current law, which I believe will bring greater safety to our communities and ensure better and more efficient administration of crime-fighting programs.

There are two specific provisions of this Act that I would like to highlight.

The Reauthorization of the Bulletproof Vest Partnership Grant Act is an important step in assuring the safety of law enforcement officers throughout the Nation. It has been through this program that thousands of police officers, including many in Puerto Rico, have received the critical personal safety protection of bulletproof vests. While the threat of gun violence will continue to endanger our police, the reauthorization of this grant program will continue the reduction of firearms injuries and deaths to our Nation's law enforcement officers.

Additionally, there is language in H.R. 3036 that is of great importance to Puerto Rico. Unlike in the States, the Commonwealth government centrally carries out the vast majority of law enforcement functions. The Commonwealth's budget for 2005 calls for $752 million to support the 22,500 Commonwealth police officers who have the primary responsibility for law enforcement on the island, and they are joined by approximately 4,000 officers at the municipal level. For this reason, the disbursement of funds under law enforcement grant programs, such as the local law enforcement block grant and the Byrne Memorial Justice Assistance Grant, should be to the Commonwealth government. Under this scenario, the Commonwealth government then disburses funds to the municipal police forces as appropriate. This bill recognizes this unique structure, and includes language that appropriately directs the local law enforcement grants to the Commonwealth government.

Again, I greatly appreciate the leadership of Chairman SENSENBRENNER and his colleagues on the Judiciary Committee in bringing this important bill to the floor. I strongly support this legislation, and urge my colleagues to do likewise.

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

The SPEAKER pro tempore (Mrs. BIGGERT). 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. 3036, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WELFARE REFORM EXTENSION ACT OF 2004

Mr. HERGER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2231) to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes.

The Clerk read as follows:

S. 2231

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 "Welfare Reform Extension Act of 2004".

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH JUNE 30, 2004.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through June 30, 2004, in the manner authorized for fiscal year 2002, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2004 at the level provided for such activities through the third quarter of fiscal year 2002.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42

U.S.C. 603(a)(3)(H)(ii)) is amended by striking ''March 31'' and inserting ''June 30''.

SEC. 3. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH JUNE 30, 2004.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through June 30, 2004, in the manner authorized for fiscal year 2002, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2004 at the level provided for such activities through the third quarter of fiscal year 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

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

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

Madam Speaker, I rise in support of S. 2231, the Welfare Reform Extension Act of 2004. This legislation is a straight 3-month extension of key parts of the Nation's welfare system.

Madam Speaker, the historic welfare reform law we passed in 1996 is working. Since 1996, more than 2 million children have been lifted from poverty, millions of families have left or remain off welfare, cutting welfare dependence in half, child well-being has dramatically improved, and record numbers of low-income parents are working.

But, Madam Speaker, that is not enough. Despite our progress, 2 million American families still remain dependent on welfare today. More than half of welfare recipients do not participate in any work or job training to prepare them for the future. Every year, millions of families break up or never form, risking welfare dependence for years to come. We must do more to assist these families.

Madam Speaker, that is why it is unfortunate that we are here today to approve yet another straight extension instead of an agreement on more long-term improvements. The House passed such comprehensive reform bills in 2002 and a year later in 2003, but the Senate still has not passed a companion bill, although one is being debated now.

Madam Speaker, in an effort to promote at least some reforms in recent weeks I have introduced two alternatives to a straight extension. Both of these alternatives would continue welfare funding at current levels, just like the bill before us today, but these alternatives would also provide more to help low-income families.

My first alternative would expect more welfare recipients to engage in work, a proven path out of poverty, or help more families avoid welfare dependence altogether.

My second alternative also would continue current programs while redirecting a small portion of welfare bonus funds to promote more healthy married families. Both policies are drawn straight from the reforms that passed the House last year as part of our welfare reform bill, H.R. 4.

I introduced these alternatives because, after 18 months of simply maintaining the status quo, we must do more to help low-income families. I wish we were debating either of these extension bills today. The simple fact is that every day that passes without comprehensive agreement means more low-income families depending on welfare. It means less work and job preparation by parents. It means fewer child care and child support resources available to help families. It means more poverty, and it means more families breaking up or never forming.

Madam Speaker, there is real danger in continued delay as well. The House-passed welfare bill proposes $1 billion more in mandatory child care funding during the next 5 years. It proposes billions more in discretionary child care funding. It proposes full funding for TANF programs.

□ 1330

Will those dollars be available in future years? Perhaps. But as time continues to pass and funding becomes tighter, the assurance that increased or even current Federal funding for these programs will remain available becomes more tenuous. For the past several years, Members on this side of the aisle have resisted proposals to reduce welfare funding knowing that these programs are working and recognizing the need for sufficient funds to make further reforms successful. But that case becomes harder to make, for example, if there is no real work requirement for welfare benefits for yet another year as further reforms fall by the wayside.

Madam Speaker, I encourage all Members to support the bill before us today. The bill will continue current funding for key welfare programs through June 30, 2004. It has already passed the other body, and I know the President will sign it immediately. As I have said during prior extension debates, it is my sincere hope that this will be the final extension needed and that the next 3 months will result in a final agreement that will help millions more families achieve independence and a brighter future. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise also in support of this legislation, which would extend the TANF and related programs for 3 additional months. It is important that these programs continue uninterrupted. They provide the wherewithal that our States can deal with some very vulnerable populations and help people restore their lives and help people be able to work. The bill is important, the program is important, and we need to pass it. It also provides for the extension of transitional Medicaid which provides health care benefits to people who are coming off welfare. These are important programs that need to continue uninterrupted.

Madam Speaker, I share the disappointment of the gentleman from California that we are not considering a long-term extension of TANF and related programs. I think we need to do that. However, I disagree with my chairman as to the reason why we have been unable to do that. In the other body, they are now working on a bill, and I hope they are successful in bringing forward legislation. They are working, Democrats and Republicans, to try to produce a good bill. I am very happy that an amendment was adopted today that increases the amount of money in child care by $6 billion. We are starting to get towards a true bipartisan bill that will provide the resources that the States desperately need in order to move welfare reform to the next plateau, and that is getting families out of poverty, because we have not been very successful in achieving that plateau of getting families out of poverty.

The reason I disagree with the gentleman from California as to why we are at this point where we are asking for another short-term extension, I do not believe it is the other body's fault. I think it is this body's fault, because the legislation that we passed, and I might say without any deliberation in this body, we just rubber-stamped the bill that was passed in the last Congress. The bill was not a bipartisan bill, it was a bill that was not favored by our States, it was a bill that goes backwards on welfare rather than continuing reform by being so prescriptive to our States, telling our States what they have to do. Unfunded mandates on our States. It is estimated that to implement the requirements that we placed in this bill would cost our States at least another $11 billion in child care alone, let alone some of the other expenses. The worst part about the bill was that it provides for make-work activities, not real jobs. It does not take America's families out of poverty who are leaving welfare.

The reason we were unable to accomplish that, there was no effort to reach out, to bring out a bill that was truly bipartisan like they are trying to do in the other body. As a result of the action of this body, we made it very difficult to get a long-term extension enacted. I regret that.

I wish Members would listen to some of the experts in this field. We just got a letter from David Hage from the Star Tribune, who has written a book titled, ''Reforming Welfare By Rewarding Work.'' That is exactly what we want to do. He talks about the Minnesota example. Let me just quote from Mr. Hage, if I might:

''In a recent conference call with journalists, Assistant Health and Human Services Secretary, Wade Horn, said the next steps in welfare reform

should be reducing poverty and improving the well-being of families and children.

''Yet the White House and House proposals for TANF reauthorization would do little to accomplish these goals and might in fact subvert them.''

Then he goes on to tell why the prescriptive nature of the bill that was passed by the House makes it difficult for States to adopt the type of programs necessary so that families can get the skills they need, the education they need, the training they need, so they can not only get a job but they can move up the economic ladder of success. That is what TANF reauthorization should be about. It should not be moving backwards to penalize people and to make it difficult for them to be able to succeed and, worse than that, making it very difficult for our States to comply with our laws without spending a lot more money, and not the way they think it is best to spend that money.

Madam Speaker, I support this bill because we need to continue this program; but as I have said, I think this is my sixth time on the floor on a temporary extension during the last year and a half. Once again speaking for the Members on this side of the aisle, we are ready to sit down today to work out a true bipartisan multi-year TANF reauthorization bill and to consider the issues so that we can really improve our welfare system, help our States and deal with those families that need our help today. If the leadership on the other side is willing to do that, we would not have to be doing these short-term extensions. We could, in fact, be voting on not only in this body but we could be sending to the President a good multi-year reauthorization of the TANF programs to help American families get out of poverty and find real employment.

Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the committee who was very instrumental in the 1996 TANF legislation.

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

Mr. LEVIN. Madam Speaker, the gentleman from Maryland as usual has put his finger on what the issue is here, that is, whether we want to move forward with welfare reform or we want to move backwards.

The problem with the approach taken by the Republican majority here has been, instead of trying to reach out and move welfare reform to another stage, they have instead decided, on a very partisan basis essentially, to craft their own bill that really moves this backwards.

Let me just indicate why. The gentleman from Maryland has pointed out a number of ways. We need to accentuate this. The gentleman from California says we have to help families who are still on welfare, but the child care provision in their bill is very, very inadequate. The literature is not complete, we do not have all the data, but it is very clear that one of the reasons welfare reform has worked is because there has been considerable money set aside for child care. Indeed, President Clinton, who brought this issue to the fore many years ago, vetoed bills originally passed in this House because there was inadequate money for child care. Eventually this House, on a bipartisan basis, stood up and was counted on this issue; and we passed many, many more moneys for child care and eventually President Clinton signed the bill.

The contrast between the House and the Senate on child care moneys is very striking. The gentleman from Maryland mentioned that the Senate has now passed a $6 billion proposal, and I think it was a vote overwhelmingly in favor, while the gentleman from California and others get up here and defend a child care provision in the bill that was passed here on a partisan basis that is minor compared to what is needed.

Health care is another problem. If we want to help families move off welfare, we should provide adequate health care coverage during the transition period. The Republican majority here has absolutely refused to step up to the plate on transitional Medicaid. Absolutely refused.

And then as to the families on welfare, the gentleman from California mentioned they are moving out of poverty. An essential ingredient of that is some training so people are trained to be able to move up the economic ladder. But, instead, what they did in their bill was essentially to take out the training element as one of the ingredients of a successful effort by people on welfare.

Those are just three of the reasons. By the way, this training aspect is so vital, and I think the Republican majority in the House and the President of the United States have failed to understand, to face up to this fact: poverty is increasing in the United States of America under their domain. It is increasing. We do not have all the figures; but it is clear, I think, that many of those still in poverty are people who have moved off of welfare, who have not had the adequate training to be able to move up the ladder and still remain in minimum wage jobs. By the way, they refuse to raise the minimum wage, too.

We need to extend the present system, but we also need to move on to the second phase of welfare reform. I am hopeful if there is a bill that passes the Senate that there can then be a conference and you will not on the Republican House majority side be so recalcitrant and insist on taking good elements out of welfare reform, one, and also refuse to put some added ingredients into welfare reform, two.

You have stonewalled. It is not the Senate. They are now moving ahead. The question is whether you are going to be willing to be a partner with them and with Democrats in moving this ahead instead of moving backwards. Partisanship in welfare reform is a dead end. I hope you get off it and we can move as we did many years ago on a bipartisan basis and make a further improvement so people who are now on welfare indeed can move off it, can have the training, can have the child care, can have the health care so they and their kids can move out of poverty.

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

Just in response, the gentleman mentioned that the bill was inadequate in terms of funding. I would like to remind the gentleman to consider that the States have been offered some $2 billion more in child care, that is in our bill, and that is on top of the $170 billion of State and Federal welfare/child care funds currently available over the next 5 years. Also, there is some $4 billion in TANF surplus that is available. I might also mention that another comment was made that there were unfunded mandates. The fact is that in this legislation, there are no unfunded mandates in H.R. 4.

Madam Speaker, I reserve the balance of my time.

Mr. CARDIN. Madam Speaker, I yield myself 30 seconds just to respond to the gentleman from California to point out that the only new money in this bill that passed this body, the only new money is some small dollars in regards to marriage promotion and $1 billion guaranteed for child care. That will not even keep up with the current purchasing power, let alone provide the needed resources to deal with the new work requirements. In my own State of Maryland, we have frozen new enrollments into child care because of a lack of resources.

Madam Speaker, I am pleased to yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY), who has been one of the leaders in this body on welfare reform, children's issues, and family issues.

Ms. WOOLSEY. Madam Speaker, I rise in support of S. 2231 because to do anything else would be irresponsible. We must continue assistance to those who need help getting back on their feet, and we must continue that assistance through the TANF program. But, Madam Speaker, we can do much better.

I speak from whence I came. I know about welfare. I lived it. Over 30 years ago as a young mother with three children, they were aged 1, 3, and 5 years old, my husband left us. I immediately went to work full time; but to keep it all together, I went on welfare, aid for dependent children, while I continued my full-time work so that my children could have the health care and the child care that they needed.

□ 1345

Because I was educated, because I had good job skills and good job experience, because I was healthy and my

children were healthy, lucky me, and the Members know I was assertive, eventually, I worked my way out of poverty. But it would have been almost impossible without the help of the Federal Government; and, believe me, I think that others should have the same opportunities that I did.

I know that we need to make education and training count as work activity for welfare recipients so mothers will have access to educational opportunities and job training to give them the skills they need so that they can get jobs that pay a livable wage, so that they can actually take care of their families. I know that quality child care, child care that actually includes infant and weekend and evening work, helps parents keep their jobs so that they can become self-sufficient and that these programs are essential to any welfare plan to give support to families in need.

Madam Speaker, as Congress continues to debate welfare reauthorization, we have to remember that the goal of welfare is to move women and their families from welfare to self-sufficiency, not from welfare to poverty as it is now. Therefore, we in this body must do a lot more to make this a true bipartisan bill so that families can get the real help that they need. In the meantime, I urge my colleagues to join me in continuing under S. 2231 what is going on now, so that we can improve the safety net for families in need.

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

Madam Speaker, the very first words in the TANF program are: ''The purpose of this part is to increase the flexibility of the States . . . '' The law then highlights several purposes such as helping needy families and promoting work.

My concern is that the legislation that passed this body takes a major step backwards in our stated goal of giving State flexibility.

The House bill reduces State flexibility on providing education and training by removing it from a core work activity. This is an issue for the States to decide, but, no, in our legislation we make it a Federal issue.

The House bill reduces States' flexibility in addressing the individual needs of welfare recipients by doubling the number of required work hours for mothers with children under the age of 6 required in the legislation that passed this body. This should be up to the States to make those judgments. That is what State flexibility is about.

The House bill reduces the flexibility of States to design programs that focus on moving people from welfare to work by increasing work participation rates without providing an employment credit for those individuals who leave welfare for a wage-paying job. Once again, the States should be able to tailor their own programs to meet their needs. That was the commitment we made in 1996.

And the House bill reduces State flexibility by imposing full sanctions, not giving States the opportunity to have their own sanctions system, once again taking away flexibility from the States. That is not what we should be doing.

The 1996 welfare reform worked because we trusted our States, we gave them the tools, and they developed programs that made sense to get people off of welfare and to get people employed. That is what we need to do again in the next chapter of welfare reform by not only empowering our States but making it easier for them to get families out of poverty.

I urge my colleagues to support this legislation so that we can continue the current program, but I also urge my colleagues, particularly on the other side of the aisle, to sit down with us and let us work out a sensible bipartisan bill that really will continue the commitment we made in 1996 to our families of America and to our States, giving the States the resources and the flexibility to get the job done.

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

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

The comment was made that somehow we are not funding as much or funding is less. Not only is this not accurate, the exact opposite in fact is the truth. In terms of case welfare, child care funds available per person on welfare, there is twice as much funding available today as there was in 1996 because the rolls have been cut in half and yet the funding has remained constant.

For example, in 1996 the average amount of money available per welfare family was about $7,000. Today, the average amount available for each family is $16,000, from $7,000 to $16,000, that is available.

Madam Speaker, again, as I have said during prior extension debates, it is my sincere hope that this will be the final extension needed and that the next 3 months will result in a final agreement that will help millions more families achieve independence and a brighter future. I urge my colleagues to support this legislation.

Mr. BOEHNER. Madam Speaker, I rise today in support of S. 2231, but I am discouraged that we find ourselves needing to pass this legislation.

The bill before us today will extend the Federal welfare law, the Temporary Assistance for Needy Families program, or TANF, for another 3 months. This is the sixth time we have come to the floor to extend this program since its authorization expired in September 2002.

The 1996 welfare reform law is one of the most successful social policy initiatives in recent memory. However, we know there is more work to be done. A majority of TANF recipients—approximately 60 percent—still are not working for benefits.

To put even more Americans on the path to self-sufficiency and independence, the House passed H.R. 4 in February 2003. H.R. 4 strengthens current work requirements by asking welfare recipients to engage in work-related activities for 40 hours a week—16 of which could be in education, job training, or other constructive activities as defined by States.

The House-passed bill would ensure that no needy family would fall through the cracks. H.R. 4 creates a policy of universal engagement so that all families receiving welfare benefits must be in work or other activities leading to self-sufficiency. The House reauthorization measure also gradually increases to 70 percent the work participation rate required by States.

Moreover, the House reauthorization bill makes significant improvements to the Child Care and Development Block Grant. It adds $1 billion in discretionary funding to the program over 5 years and requires States to devote more money to improving child care quality. These provisions will ensure that low-income parents have access to safe, quality child care as they move into work.

This week the other body is considering full welfare reauthorization. I am encouraged that the other body may soon pass its welfare reauthorization bill, and hope we will be able to resolve our differences quickly in a conference committee.

The millions of Americans still seeking to move off of the welfare rolls deserve no less. Those continuing to struggle to attain self-sufficiency need the assistance that H.R. 4 would provide.

While I hope this will be the last extension of current law we must pass, I urge my colleagues to support the bill before us today.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the Senate bill, S. 2231.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS REAUTHORIZATION

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2241) to reauthorize certain school lunch and child nutrition programs through June 30, 2004.

The Clerk read as follows:

S. 2241

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

SECTION 1. EXCLUSION OF CERTAIN MILITARY HOUSING ALLOWANCES.

Section 9(b)(7) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(7)) is amended by striking ''March 31, 2004'' and inserting ''June 30, 2004''.

SEC. 2. CHILD AND ADULT CARE FOOD PROGRAM.

Section 17(a)(2)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)(i)) is amended by striking ''March 31, 2004'' and inserting ''June 30, 2004''.

SEC. 3. REIMBURSEMENT TO STATES UNDER COMMODITY DISTRIBUTION PROGRAMS.

Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of

1987 (7 U.S.C. 612c note; Public Law 100–237) is amended by striking ''April 1, 2004'' and inserting ''July 1, 2004''.

SEC. 4. FUNDING MAINTENANCE OF COMMODITY DISTRIBUTION PROGRAMS.

Section 14(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking ''March 31, 2004'' and inserting ''June 30, 2004''.

SEC. 5. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) IN GENERAL.—Section 13(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking ''March 31, 2004'' and inserting ''June 30, 2004''.

(b) PILOT PROJECTS.—Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking ''March 31, 2004'' and inserting ''June 30, 2004''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam 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. 2241.

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

There was no objection.

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

Madam Speaker, I rise to support bipartisan legislation that extends certain child nutrition provisions, that are set to expire at the end of this month, through June 30, 2004. This extension is vital to ensure that low-income children have access to safe and nutritious food in school, after school, and during the summer months.

The National School Lunch and Breakfast Programs, WIC, the Child and Adult Care Food, After School Snack, and Summer Food Service Programs, together make up a network of Federal child nutrition programs that are a critical part of our Nation's effort to ensure that needy children in America do not go hungry.

One week ago, the House passed H.R. 3873, the Child Nutrition Improvement and Integrity Act, with overwhelming bipartisan support. H.R. 3873 significantly improves Federal child nutrition programs by increasing program access for eligible children, enhancing program integrity, and emphasizing the importance of nutrition education, balanced diets, and physical activity to reduce the incidence of childhood obesity.

I urge the other body to pass companion legislation to reauthorize child nutrition programs soon so that children and their families can take advantage of these and other improvements to current law contained in H.R. 3873.

The extensions included in today's legislation are a temporary measure to assure the continuation of current law until final legislation is signed into law. S. 2241 will assure us that millions of needy children will not lose access to meals and snacks that are needed for their healthy growth and development and academic success in school.

Millions of children, including many whose mothers and fathers serve in America's armed services, rely on these programs each day. Without this legislation, many children who reside with their parents in privatized military housing would lose the benefit of free- or reduced-price school meals. In Delaware, approximately 250 children will benefit from this extension and up to 100,000 children nationwide. Taking these subsidies from children when many of their mothers and fathers are fighting for our Nation's security at home and abroad would have a devastating effect on these families.

This legislation would also continue the availability of healthy meals and snacks to low-income children enrolled in for-profit child care centers. Additionally, this legislation would allow schools, churches, and community organizations to operate summer food service program sites and, in 14 States, continue special pilot programs to reduce paperwork and thereby increase the number of disadvantaged children who receive free meals and snacks during the summer months.

Madam Speaker, there are just a few reasons why S. 2241 should be approved today with unanimous support. The child nutrition provisions that would be extended through this legislation benefit America's most vulnerable children. It is our duty as lawmakers to ensure that these at-risk children and their families can continue to receive the benefits for which they have been deemed eligible until the Congress can complete its work on legislation reauthorizing both the Child Nutrition Act and Richard B. Russell National School Lunch Act. I conclude by asking that my fellow colleagues to please join me in support of S. 2241.

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

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

I am pleased to join my colleagues in urging passage of S. 2241 to extend the authority for important child nutrition programs. I was pleased to stand on this floor last week with the gentleman from Ohio (Chairman BOEHNER) and the gentleman from Delaware (Chairman CASTLE), the gentleman from California (Mr. GEORGE MILLER), ranking member, and our entire committee to pass H.R. 3873, the Child Nutrition Improvement and Integrity Act, the House bill which both authorizes and makes some important improvements to the Federal child nutrition program.

H.R. 3873 improves accuracy in the school meals program without dropping eligible children. It makes it easier for eligible students to get free and reduced meals by making the application process easier.

H.R. 3873 makes homeless and migrant youth and children whose families receive food stamps automatically eligible for free meals. It allows youth up to age 18 to participate in meals programs if they are living in domestic violence or homeless shelters. It increases startup and expansion grants for the School Breakfast Program and includes a study of the best ways to overcome common barriers to offering breakfasts at all schools for all students.

H.R. 3873 helps students make better food choices and fight obesity with team nutrition which provides nutrition education to students and training and support to improve the nutrition of food sold in schools. It requires school districts to develop a local wellness policy which addresses both what students eat at school and the role that physical activity plays in good health. It creates greater opportunities for schools.

It includes fresh and dried fruits and fresh vegetables in school meals, gets our very youngest children off to a healthy start with the new WIC Fruit and Vegetable Pilot Program that will study the benefits of including fruit and vegetables in the WIC food package.

When we passed H.R. 3873 last week, Mr. Speaker, we proved that child nutrition truly is a bipartisan priority here in the House of Representatives. I urge my colleagues in the other body to make it a priority as well so that we can get child nutrition reauthorization and the improvements we need into law.

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

Mr. CASTLE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

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

The primary goal of all of the Federal child nutrition programs is to increase opportunities for low-income infants and children so that they will eat nutritious food. Anytime the economy takes a turn for the worse, as it has done for a while now, we can see it first in the number of low-income children who do not have enough to eat.

□ 1400

The 2003 Key National Indicators of Children's Well-Being reports that nearly 46 percent of American children who live in poverty were in ''food insecure'' households, households that reported difficulty in obtaining enough food and increased use of emergency food sources, resulting in reduced food intake and resulting in hunger.

WIC and the School Lunch and Breakfast Programs and the Child and Adult Care Food Program are our very best weapons in the fight against childhood hunger. These programs ensure that every eligible infant and child in this Nation has access to nutritious food: at home, through the WIC Program; in child care, through the Child

and Adult Food Program; in school, through the School Breakfast and Lunch Programs; during out-of-school time, through After School and Summer Programs; and in homeless and domestic violence shelters.

Another way to get more food to hungry kids, particularly kids in working poor families, would be to pass the bill of the gentleman from Connecticut (Mr. SHAYS), of which I am a cosponsor, to phase out the reduced price category in school lunch and breakfast.

The 40 cents fee for reduced school price lunch is a major barrier for children of the working poor. While 40 cents may not seem like much money to us, if your income is between 130 percent and 185 percent of the poverty line and you have more than one child, it is often more than you can afford to spend.

Eliminating the reduced price category would save schools immeasurable time and money, because it would reduce their paperwork burdens and greatly simplify the eligibility program in the process.

Eliminating reduced prices works for schools, it works for hungry kids, and it should be something we start immediately.

Another change for the better would be to improve the nutrition quality of all of the food sold in our schools. Today, one out of every six children is overweight; and childhood obesity raises special concerns. It places children at high risk for disease and conditions previously only associated with adults. Nearly two-thirds of obese 5- to 10-year-olds have at least one additional risk factor for cardiovascular disease. There has been a dramatic increase in the numbers of children with Type II diabetes, the form of the disease directly linked to overweight adults.

In addition, childhood obesity is a strong predictor of adult obesity. A recent study found that 77 percent of children with a body mass index greater than the 95th percentile remained obese as adults.

A study just released by the Centers for Disease Control and Prevention found that, if current trends continue, obesity will become the leading cause of preventible death by next year; not in the future, next year.

Over-consumption of low nutrition soft drinks and snacks plays a key role in childhood obesity. Yet 43 percent of elementary schools, 74 percent of middle schools, and 98 percent of high schools have vending machines, school stores or snack bars that sell soft drinks, candy, salty snacks and baked goods that are at high risk and high in fat, while, at the same time, not providing healthy snacks as a balance.

We need a good, scientifically-based study on what is a healthy school environment; and then we need to help schools create that environment for their students. The child nutrition bill that we passed last week takes some good first steps with the local wellness policy and team nutrition, but we need to be doing much, much more.

In addition to that, we should be trying to help all children make healthy eating choices. I certainly do not mean that we or should anyone else should become food policemen or policewomen, but schools can be offered incentives to make healthy foods available, and children can be educated to choose those healthy foods.

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

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

Mr. Speaker, this is all pretty simple. We are passing this Senate bill to extend these programs from the end of March, which is tomorrow, until June 30. Hopefully, in that time the other body will take up the full reauthorization of these various nutrition programs.

I think the gentlewoman from California stated it correctly in terms of the benefit of those programs. It is my hope, frankly, that they use our bill as the base bill for what they are going to do. I think we are pretty much in unanimous consent in this House that what is in there makes a lot of sense. That is the reason we need to pass this today.

Mr. BOEHNER. Mr. Speaker, I rise in support of S. 2241, which extends the authorization for the expiring portions of federal child nutrition programs for an additional three months.

The child nutrition programs include the National School Lunch and Breakfast Programs; the Special Supplemental Nutrition Program for Women, Infants, and Children (or WIC); the Child and Adult Care Food Program; the After School Snack Program; and the Summer Food Service Program.

These invaluable programs—which are responsible for providing nutritious meals to millions of children and adults every day—are due for reauthorization this year. I am pleased to note that the House acted decisively last week to approve comprehensive reauthorization legislation, showing overwhelming support for a bill that includes positive reforms to improve program integrity and ensure services for eligible children. Unfortunately we have not had the opportunity to complete the reauthorization process with our friends on the other side of the Capitol, and for that reason, we are here today seeking to extend the current authorization an additional three months.

This bill contains one provision of particular importance to our Nation's soldiers, sailors and airmen. If this legislation is not approved, the children of Armed Forces members who live in privatized military housing and who are eligible for free and reduced-price lunch will lose their school meal subsidies. This would be an insult to these parents who work every day to secure our Nation's freedom.

In addition, this legislation contains a provision that allows for-profit child care centers to continue to participate in the Child and Adult Care Food Program, and to continue to provide meals and snacks to centers where at least 25 percent of the children enrolled meet the income eligibility requirements for free and reduced-price lunch.

Parents will always bear primary responsibility for their children's health and nutrition, but this bill provides assistance for those who are having trouble making ends meet. The overall goal of all of the child nutrition programs is to make sure that low-income children and families have access to low-cost meals and snacks that are safe and nutritious.

The Child Nutrition Improvement & Integrity Act approved by the House last week includes important steps to ensure effective and efficient use of federal resources dedicated to child nutrition programs. The bipartisan bill, authored by Representative MIKE CASTLE (R–DE), would significantly enhance integrity in how the child nutrition programs are administered, and would ensure vulnerable children and families have improved access to nutritional services. I am eager to move forward with the Child Nutrition Improvement & Integrity Act, and I believe the extension before us will allow the Congress to complete a thorough and comprehensive reauthorization process that includes the positive reforms approved by the House last week.

This bipartisan bill is a simple, straightforward tool to make sure we are serving the millions of low-income children who depend upon the programs contained in the Child Nutrition and Richard B. Russell National School Lunch Acts. Mr. Speaker, I strongly support the bill before us today and I encourage the House to act once again in a bipartisan show of support for federal child nutrition programs by voting "yes" on S. 2241.

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the Senate bill, S. 2241.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. 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. 2231.

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

There was no objection.

REIMBURSING MEMBERS OF UNITED STATES ARMED FORCES FOR CERTAIN TRANSPORTATION EXPENSES

Mr. BRADLEY of New Hampshire. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2057) to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

The Clerk read as follows:

S. 2057

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

SECTION 1. REIMBURSEMENT OF CERTAIN TRANSPORTATION COSTS INCURRED BY MEMBERS OF THE UNITED STATES ARMED FORCES ON REST AND RECUPERATION LEAVE.

The Secretary of Defense shall reimburse a member of the United States Armed Forces for transportation expenses incurred by such member for one round trip by such member between two locations within the United States in connection with leave taken under the Central Command Rest and Recuperation Leave Program during the period beginning on September 25, 2003, and ending on December 18, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BRADLEY) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

GENERAL LEAVE

Mr. BRADLEY of New Hampshire. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2057.

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

There was no objection.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise in support of S. 2057, which would retroactively reimburse 38,000 service members for their travel expenses incurred while on R&R, rest and recuperation leave. I would like to recognize and commend the majority for bringing this bill to the floor.

Last year, the United States Army issued a policy that will require both Active and Reserve forces to spend one year boots on the ground overseas. To improve morale and address the concerns expressed by commanders and troops in the field, the Department of Defense established a rest and recuperation program for those service members with 12-months tours.

Initially, the program allowed service members to travel from Kuwait to Germany and Baltimore, Maryland. Subsequently, they expanded that to two other airports, one in Atlanta and one in Dallas; and from these airports service members were then required to pay for their continued travel home.

Subsequent to this, the Department of Defense also established a similar program for our fine men and women on duty as part of Operation Enduring Freedom in Afghanistan. As part of this program, these service members were required to pay for the continued flight to their final destination, to their home.

Last year, Congress recognized the unfair burden this policy placed on service members and sought to rectify it. However, in the course of doing that, the new benefit did not really kick in with the regulations until December 19, 2003. This was 3 months after the program started.

So we have approximately 38,000 troops who had to pay for their own travel expenses from their points of arrival in the United States to home. This amounts to about $13 million. If my math is correct, that is an average of about $342 for each one of those service members.

This is a small price to pay to restore fairness amongst the troops for this very important moral effort.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. I thank my friend from New Hampshire for yielding.

Mr. Speaker, last year, the U.S. military began employing its first rest and recuperation program, known as R&R, since the Vietnam War. Soldiers who have served 12 straight months in a combat zone qualify for R&R.

Sadly, however, we all remember the televised interviews of combat-weary American soldiers back from Iraq on R&R and stranded at Baltimore-Washington International Airport, unable to afford a plane ticket home.

Sad but true, Mr. Speaker, too many of our brave and battle-fatigued soldiers were unable to get to their hometowns to see their loved ones because same-day airfare was too expensive for many of our troops to afford.

That is why last fall I introduced an amendment with my friend, the gentleman from Kansas (Mr. MOORE), to make money available to cover troops' travel costs to their hometowns. With the support of the gentleman from California (Mr. LEWIS), chairman of the Committee on Appropriations Subcommittee on Defense, our amendment was passed and the Pentagon began paying our troops' airfare all the way home.

Unfortunately, though, Mr. Speaker, the Pentagon did not implement this program retroactively, which means the first wave of troops who came back from Iraq for R&R and who managed to scrape up the cash for airfare home are still to this day stuck with the tab to see their families.

So, today, Mr. Speaker, I rise in strong support of S. 2057, which will cover retroactively the domestic travel costs our brave troops incurred while on R&R leave.

Mr. Speaker, the Ramstad-Moore amendment put the House on record that the Federal Government should cover all travel and transportation costs necessary to return our brave troops home. That is why passage of this bill is so important. Now Congress must finish the job it began last fall, to make sure none of our troops fall between the cracks and are forced to pay their own transportation costs to get home.

Let us show today that we support our troops. Let us cover the costs that enabled our troops to return home for R&R, briefly reuniting wives and husbands, parents and children and other loved ones.

I urge all my colleagues to support this important bill.

I want to thank the gentleman from California (Chairman HUNTER) of the Committee on Armed Services and the gentleman from New Hampshire (Chairman BRADLEY) for their support of this legislation, as well the gentleman from California (Chairman LEWIS) of the Committee on Appropriations Subcommittee on Defense, for their continued support of covering troop travel costs, and also want to thank the majority leader for allowing this legislation to come to the floor.

Mr. SNYDER. Mr. Speaker, I thank the gentleman from Minnesota (Mr. RAMSTAD) for his fine words and support.

Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman from Minnesota (Mr. RAMSTAD) for his remarks and the gentleman from Arkansas (Mr. SNYDER) as well.

Last September, I heard a National Public Radio story about troops coming back from Afghanistan and Iraq. They were being deposited at Baltimore and Atlanta, and from there forced to pay their own way home or stay in Baltimore and Atlanta. I could not believe this. I checked with my staff and found out it was in fact true.

I drafted a bill which, within 8 days, I think, got 155 Republican and Democrat cosponsors. I teamed up with the gentleman from Minnesota (Mr. RAMSTAD) who just spoke, and we put our bills together. He had a similar vote which passed by voice vote.

Unfortunately, it only went back, according to the Department of Defense, to December 19. Our intention was clearly that this be retroactive back to the date when this program started, the rest and recuperation, bringing our troops home to be reunited with their families and loved ones for 2 weeks before they went back to Afghanistan or Iraq to finish their tour of duty.

Now, I am very, very pleased that Senate S. 2057, the Senate companion to H.R. 2731 that the gentleman from Minnesota (Mr. RAMSTAD) and I had, will complete the job; and if the House passes this today, we will in fact ensure that the troops are entitled to be reimbursed for their travel prior to December 19 and will in fact be reimbursed. That is the right thing to do for our troops and country.

We talk so much in this body about how much we value our troops, and it was simply, simply wrong that we would ask those folks coming home from Iraq and Afghanistan to pay their own way back to their homes and then back to the coastal port for deployment again to finish their tour of duty.

There is a little bit of dispute about the number of troops. My figures were 29,000, those of the gentleman from Arkansas (Mr. SNYDER) were a bit more,

and there is a little bit of dispute about the cost of the reimbursement for travel for these troops.

But I think the intention of Congress here is very, very clear, and it is really, really nice when Republicans and Democrats can come together and the people out there in the country can see that in fact we are not just talking about supporting our troops, but we are putting our money where our mouth is. It is exactly the right thing to do.

□ 1415

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I had the opportunity in late October and early November to travel to Iraq to visit our troops and to assess the rebuilding of that troubled nation. The first stop, Mr. Speaker, that we made was in Kuwait in the desert at one of the camps, and we saw the actual R&R facility where members of our military were being processed. We had the chance to talk firsthand to people that were about to leave the theater and go home and, boy, let me tell my colleagues, they were very excited, Mr. Speaker, to be able to come home and visit loved ones. We know this was during the time when they had to pay their own way; but, nevertheless, they were pleased to be able to do it.

Then we traveled in and out of Baghdad with members coming on some of the C–130 transport planes. Once again, the same thing, they were very anxious to be able to come home for a couple of weeks and to be able to reunite with their families.

So, Mr. Speaker, I salute our military for authorizing this. Obviously, this legislation corrects an inequity, where those members of our military who wanted to travel home prior to December 19 are now going to be reimbursed for their expenses. Mr. Speaker, as indicated by the previous speaker, the gentleman from Kansas (Mr. MOORE), this was done in a bipartisan fashion. I salute not only the gentleman from California (Chairman HUNTER), the gentleman from California (Chairman Lewis), but certainly the gentleman from Arkansas (Mr. SNYDER), the gentleman from Kansas (Mr. MOORE), and the gentleman from Connecticut (Mr. SIMMONS) for their hard work on this very important piece of legislation that will deal with all of our troops fairly and will encourage this type of R&R in the future, which is so important to our troops in so many far-flung areas of the world.

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

Mr. SNYDER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Arkansas for yielding me this time.

On Saturday of last week, I attended the funeral of Sergeant Phipps, who had been killed in Iraq in the line of duty. And, of course, as one could expect, it was a very solemn period, and there were thousands of people from his community who came to pay their last respects.

It occurred to me as this bill was coming to the floor that individuals should have the opportunity certainly to come home and visit for rest, recuperation, and to see their families and friends while they are alive and healthy.

So I simply came down to urge passage of this legislation and to indicate my support for it and to suggest that all soldiers who give of themselves should have the opportunity to experience interaction with their family.

I thank the sponsors of this legislation, and I urge its strong support.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from New Hampshire (Mr. BRADLEY) for his work on behalf of this bill; along with the gentleman from Minnesota (Mr. RAMSTAD), the gentleman from California (Chairman HUNTER), and the gentleman from Missouri (Ranking Member SKELTON) also for their fine work. I think this is a fine bill that will be much appreciated by our men and women in uniform and their families.

Mr. MATHESON. Mr. Speaker, as a longtime supporter of the military, I was dismayed to learn that U.S. troops were forced to pay their way home from Baltimore-Washington International Airport, while on rest and recuperation leave.

Late last year, Congress enacted legislation, which I supported, requiring the Department of Defense to provide travel and transportation allowances to military personnel serving in support of Operation Iraqi Freedom. As of December 19, 2003, the Department began covering these costs. Unfortunately, a number of soldiers who were issued leave beginning on September 25, 2003 were not eligible for travel reimbursement. Today, the Congress has rectified this discrepancy by ensuring that all of our soldiers will be reimbursed for their travel while on leave.

I am well aware of the current demands faced by American soldiers and the sacrifices made by family members and loved ones. American soldiers have always excelled in their military duties and at a time when many of our troops are deployed for a year or more, it is imperative that Congress and the federal government adequately provide for them.

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from New Hampshire (Mr. BRADLEY) that the House suspend the rules and pass the Senate bill, S. 2057.

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. BRADLEY of New Hampshire. 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.

ESTABLISHING CAMPAIGN MEDALS TO BE AWARDED TO MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3104) to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom, as amended.

The Clerk read as follows:

H.R. 3104

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

SECTION 1. SEPARATE MILITARY CAMPAIGN MEDALS TO RECOGNIZE SERVICE IN OPERATION ENDURING FREEDOM AND SERVICE IN OPERATION IRAQI FREEDOM.

(a) REQUIREMENT.—The President shall establish a campaign medal specifically to recognize service by members of the uniformed services in Operation Enduring Freedom and a separate campaign medal specifically to recognize service by members of the uniformed services in Operation Iraqi Freedom.

(b) ELIGIBILITY.—Subject to such limitations as may be prescribed by the President, eligibility for a campaign medal established pursuant to subsection (a) shall be set forth in regulations to be prescribed by the Secretary concerned (as defined in section 101 of title 10, United States Code). In the case of regulations prescribed by the Secretaries of the military departments, the regulations shall be subject to approval by the Secretary of Defense and shall be uniform throughout the Department of Defense.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today to share my support for H.R. 3104. I was pleased to join my colleagues, the gentleman from Arkansas (Mr. SNYDER) and the gentleman from Texas (Mr. REYES), in introducing this legislation last September.

The legislation we are considering today authorizes campaign medals for military personnel who have been participating in the war on terror. Essentially, the legislation would authorize

separate medals to be awarded for service in Iraq and in Afghanistan. The President and the Pentagon would be charged with determining who would receive the medals.

Mr. Speaker, those of us who have served in the military realize that the medals awarded and the ribbons worn on the uniform are essentially a biographic statement of the service of the military officer or NCO. Speaking for myself, when I take the ribbons that I have earned after over 30 years of military service and I look at them, I can recall where I was, what I was doing, and what I received credit for from my military chain of command.

By the same token, military officers and NCOs observing each other in uniform with their decorations on their uniform realize whether an individual served in a theater of operations where they served. That is one of the reasons why we think it is important to differentiate between service in Iraq or service in Afghanistan, even though service in both locations involves the war on terrorism.

Looking at the charts that I have here today on display, my colleagues will notice that there are certain other occasions where individual medals are awarded, even though the campaign has one consistent objective. For example, we have a Cuban Occupation Medal and a Puerto Rican Occupation Medal, as well as a Spanish War Medal and the Philippine campaign. Some would argue that each of these decorations goes to the issue of one concerted effort by the United States, yet service in those different locations has previously been determined to result in a specific or a special award.

On another chart over here, we have, for example, the Korean War decoration, and I do not see it in front of me, but we all know that those members of the armed services who served in Korea were given a special award for that; but also if one served in Vietnam, as I did, one gets a special award, right here, the Vietnam campaign ribbon. As well, those who served in the liberation of Kuwait 10 years ago and those who served physically in Saudi Arabia, as those who participated in the liberation of Kuwait and were actually in Kuwait, have two different decorations, which are indicated here.

So the point I am trying to make, Mr. Speaker, is that in the past, it has not been unusual to provide awards and decorations that are specific to a particular theater or country in which a military officer or NCO has served, even though those campaigns and those activities may have been part of a larger enterprise.

It is on this basis, Mr. Speaker, that I believe that this legislation has great merit. I commend my colleagues on both sides of the aisle for supporting this legislation.

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

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

I also rise in support of H.R. 3104, which requires the President to establish separate campaign medals for servicemembers who participate in Operation Enduring Freedom in Afghanistan and then a separate medal for Operation Iraqi Freedom. I would like to thank the gentleman from Connecticut (Mr. SIMMONS) for the work he has done on this bill. As a career military officer, he recognizes the importance of providing proper recognition to our men and women in uniform.

The bill we originally introduced allowed members of the armed services to receive separate campaign medals for Operation Iraqi Freedom and Operation Enduring Freedom. As amended on the floor today, it also includes all members of uniformed services.

Let me say, Mr. Speaker, the intent of our bill is not to replace the administration's Global War on Terrorism Expeditionary Medal, nor the Global War on Terrorism Service Medal, rather, to provide separate campaign medals to recognize folks who have participated in the Iraq campaign and in the Afghanistan campaign. This follows the pattern that this country has done before in honoring its men and women in uniform.

For example, we have a World War II Victory Medal, but then we also had separate theater campaign medals, such as the Asiatic Pacific Campaign Medal; and this bill leaves the regulations and eligibility for these two medals to be determined by the President and the Department of Defense.

One of the issues that has come up is, well, who is the responsible party for establishing these kinds of medals? In fact, Congress has often taken the lead to do that. I would like to go through some of these bills, if I might.

The battle of Manila Bay Medal, also called the Dewey Medal, was established by Congress in 1898. The Spanish War Medal authorized by Congress in 1918; the Mexican Border Service Medal authorized by Congress in 1918; the Philippine Congressional Medal authorized by Congress in 1906; the World War I Victory Medal in 1919, authorized by Congress; the Army Occupation of Germany, World War I, authorized by Congress in 1941; the Spanish Campaign Medal authorized by Congress in 1905; the World War II Victory Medal authorized by Congress in 1945; the Prisoner of War Medal authorized by Congress in 1985; the Medal for Humane Action also known as the Berlin Airlift authorized by Congress in 1949.

I would like to recognize another one too. In 1956, the Congress authorized the Civil War Campaign Medal, and the reason it was taken up in 1956, so many years after the Civil War, is because the Army had had a Civil War campaign badge, but a judge advocate general in the Army in 1905 thought that the Army probably did not have the authority, that only Congress had the authority to do a campaign medal, and Congress rectified this in 1956 by authorizing the Civil War Campaign Medal.

My point, Mr. Speaker, is that I believe the record is very clear that Congress not only has the authority to do this but, in fact, that has been the history of establishment of a lot of our medals.

I would like to recognize too the leadership of the Committee on Armed Services who helped bring this bill forward. The gentleman from California (Chairman HUNTER) has been a forceful advocate, both publicly and privately, in support of this bill, as has the gentleman from Missouri (Ranking Member SKELTON).

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

Mr. SIMMONS. Mr. Speaker, I yield 3 minutes to my colleague, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise today in strong support of H.R. 3104. This bill will establish separate campaign medals for Operations Enduring Freedom and Iraqi Freedom.

I want to thank the gentleman from Arkansas. (Mr. SNYDER), the gentleman from Missouri (Mr. SKELTON), the gentleman from Connecticut (Mr. SIMMONS), and the gentleman from Texas (Mr. REYES) for their hard work, the Committee on Armed Services for reporting this bill to the full House, and the leadership for getting it to the floor so expeditiously.

Upon returning from Iraq last fall, I introduced a similar bill to the one before us today. After visiting with soldiers on that trip, I became convinced that we needed to establish separate medals for service in Afghanistan and Iraq in order to give our troops the recognition they deserve. A number of the troops mentioned that they have served in both countries and would appreciate separate medals to distinguish their service. Many of our servicemen and -women who have served in these two very different campaigns in the war on terrorism feel the same way, and they deserve the recognition.

Currently, the Department of Defense has established the Global War on Terrorism Expeditionary Medal for those who have deployed to Operation Enduring Freedom and Iraqi Freedom. The Global War on Terrorism Service Medal is for those who have served in support roles since September 11. Our troops can only be issued these medals once, even if they have served in both operations.

□ 1430

I do not think these medals go far enough. The war on terrorism will be a long struggle with many major military campaigns and fronts.

In my opinion, this fact warrants separate medals for the war's first two major campaigns. There is also precedent for these medals. During World War II, for example, three campaign medals were issued to recognize the different fronts of the war: the American Campaign Service Medal, the Asiatic-Pacific Campaign Medal, and the European-African-Middle Eastern Campaign Medal.

During the 1990s, DOD issued the Southwest Asia Service Medal for the Persian Gulf war in 1991 and the Kosovo Campaign Medal for the 1999 U.S.-led war in Kosovo.

By awarding separate medals we simply recognize the specific contribution our servicemen and women have made in Afghanistan and Iraq. These medals would not take away from the significance of the global war on terrorism medal.

I also think DOD should establish separate medals for future major campaigns in the war on terrorism.

I want to conclude my remarks by saying thank you to the men and women of our armed services for their service and sacrifice. Moments like these always remind me that freedom is not free. Thank God we have men and women who are willing to volunteer their service to protect and fight for our great Nation. These medals are just one of the many ways we should recognize them.

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

Mr. Speaker, I want to commend the gentlewoman from Texas (Ms. GRANGER) for her leadership on this bill. She has been working on this issue for some time, also.

I neglected to mention the gentleman from Texas (Mr. REYES) who has his own Vietnam Service Campaign Medal for his work as a helicopter crew chief and is now a fine member of the Committee on Armed Services. And I thank the gentleman from Connecticut (Mr. SIMMONS) for his work.

Let me repeat in closing that those of us who have worked on this bill, have sponsored and cosponsored this bill, do not at all intend this as a replacement for the global war on terrorism service medals and expeditionary medals. We support those medals. What we think, though, is we need to recognize that contribution, that camaraderie that comes from our men and women in uniform that are serving in Iraq so they can have their own campaign medal and our men and women in Afghanistan so they can have their own campaign medal in addition to the Global War on Terrorism Expeditionary Medal.

So I urge support of this bill.

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

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

George S. Patton, Jr., once said, quote, ''The results of decorations works two ways: It makes the men who get them proud and determined to get more, and it makes the men who have not received them jealous and determined to get some in order to even up. It is the greatest thing we have for building a fighting heart.'' I would only correct the great General Patton today by saying the men and women who receive them. Because, as we know, in today's military forces men and women are providing an equal contribution.

As my colleague has indicated, service in uniform and service in a war zone is not simply about awards and decorations, it is about our national policy, and it is about working as a team with other men and women in uniform. But the awards and decorations they receive provide them with incentive and provide them with a living history which becomes their career in service to their country. That is why refreshing and upgrading the medals that are offered to our servicemen and women is so important.

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

Mr. SNYDER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Arkansas (Mr. SNYDER), my friend, for yielding and for giving me this time.

Actually, this is a very, very important bill; and I speak in favor of it. As you know, we have two major, ongoing conflicts in the Middle East regarding the American forces. The first is a guerrilla warfare in Iraq and the second is going after the genesis and the home of the terrorists in Afghanistan that caused us so much and continues to cause us so much international terror.

I voted for the resolution regarding conflict in Iraq because I felt it was necessary, based upon the weapons of mass destruction allegation. We went in there; and, as a result of the very tremendous military field victory of our troops, we stayed. The ongoing guerrilla warfare has erupted which is an effort to do away with the stability and do away with transferring sovereignty to a stable, representative Iraq. The purpose of those are, whether they be Baathist or Fedayeen or jihadists or remnants of Afghanistan's al Qaeda, trying to destabilize that government. That is the purpose of guerrilla warfare. That is one war in and of itself.

The second in Afghanistan, the purpose there, of course, was going after those who have been causing terror to the United States for quite some time, beginning 1993 in the World Trade Center; 1996, the Khobar Towers bombing; in 1998, the simultaneous bombing of the embassies in Tanzania and Kenya; and then the boat bombing of the USS *Cole* in the harbor at Yemen; and, of course, September 11, 2001, came along, was the culmination. The terrorists home base is Afghanistan.

I think there should be separate ribbons for those separate conflicts, and I think this is very good. I compliment the gentleman from Arkansas (Mr. SNYDER) for introducing this. I thank the gentleman from Connecticut (Mr. SIMMONS) for the strong support. I think it is the right thing to do. It should happen. So then when we see someone in uniform wearing either or both of these ribbons, we can recognize it and say thank you.

Mr. SPRATT. Mr. Speaker, I rise today in strong support of S. 2057 and H.R. 3104. S. 2057 provides retroactive travel reimbursements for troops who returned home before December 19, 2003 from Iraq and Afghanistan for rest and recuperation leave. H.R. 3104 provides separate combat medals for the operations in Iraq and Afghanistan. I think you would be hard pressed to find a Member of Congress who opposes these low cost bills to benefit our troops. The only question is: What took us so long?

During debate on the $87 billion Iraq supplemental last October, I introduced an amendment that would have provided for free travel all the way home from Iraq and Afghanistan for troops on R&R leave, and would have required separate campaign medals be issued for service in Iraq and Afghanistan, among other important personnel benefits. The Republican leadership in the House would not even let this amendment on the floor for a vote. So here we are six months later, and we are only just now revisiting the issues.

Why so long? Quite simply, the Bush Administration opposed separate war medals for Iraq and Afghanistan, preferring instead to issue one service medal for the Global War on Terror. I understand the Administration's desire to put these operations in a larger context, but that does not translate to our troops on the ground. Circumstances leading up to and in Iraq and Afghanistan were very different, as are the challenges our troops face on the ground today. Furthermore, the Pentagon policy not only authorized a single medal for OEF and OIF, it does not prescribe service stars to reflect service in both conflicts or multiples tours of duty in the same conflict. This is blatantly wrong. Campaign and service medals proudly reflect military service in a particular conflict, enhance esprit-de-corps, and are a strong part of military history. It means a great deal to an infantryman to look at his fellow soldiers and say ''Iraq—yes sir, I was there.''

The British established the Iraq Campaign Medal to recognize service in, and in support of, operations in Iraq. Australia established separate ''Afghanistan'' and ''Iraq'' clasp for their Active Service Medal to reward OEF and OIF service. So why would we deny our servicemen, who are sacrificing so much for our country, separate medals that can boost morale for such a small price?

And if the Global War on Terror continues for many years on many fronts as the President has suggested it might, are we to expect that the Administration would prefer that we issue no new campaign medals in perpetuity? H.R. 3104 makes sure this will not be the case.

S. 2057 and H.R. 3104 are low cost, long needed morale boosts for our troops in the field, and though it has taken us too long to get to them, I wholeheartedly urge their passage today.

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

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and pass the bill, H.R. 3104, 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. SIMMONS. 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.

CONGRATULATING THE UNITED STATES AIR FORCE ACADEMY ON ITS 50TH ANNIVERSARY

Mrs. WILSON of New Mexico. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 386) congratulating the United States Air Force Academy on its 50th Anniversary and recognizing its contributions to the Nation.

The Clerk read as follows:

H. CON. RES. 386

Whereas on April 1, 1954, President Dwight D. Eisenhower signed legislation establishing the United States Air Force Academy to prepare young men for careers as Air Force officers;

Whereas in July 1955, the first class entered the Air Force Academy, attending classes in temporary facilities at Lowry Air Force Base in Denver, Colorado;

Whereas the Air Force Academy moved to its permanent home near Colorado Springs, Colorado in August 1958;

Whereas the first class of 207 cadets graduated in June 1959;

Whereas in 1964, President Lyndon B. Johnson signed legislation authorizing each of the Service Academies to expand enrollment from 2,529 to 4,417 students, and today, 4,000 cadets attend the Air Force Academy;

Whereas women were first admitted to the Air Force Academy in June 1976, and the first class that included women graduated in June 1980;

Whereas 44 classes and 35,000 cadets have graduated from the Air Force Academy in its 50-year history;

Whereas the mission of the Air Force Academy is to inspire and teach outstanding young men and women to become Air Force officers and to prepare and motivate them to lead the Air Force in its service to the Nation;

Whereas the Air Force Academy is recognized worldwide as the premier developer of aerospace officers and leaders with impeccable character and knowledge; and

Whereas April 1, 2004 marks the 50th anniversary of the founding of the Air Force Academy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the United States Air Force Academy on its 50th Anniversary;

(2) acknowledges the continued excellence of the United States Air Force Academy and its critical role in the defense of the United States; and

(3) recognizes the outstanding service to the Nation that graduates from the United States Air Force Academy have provided.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

GENERAL LEAVE

Mrs. WILSON of New Mexico. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentlewoman from New Mexico (Mrs. WILSON) for her leadership in proposing this resolution. I urge my colleagues to support H. Con. Res. 386 which congratulates the U.S. Air Force Academy on its 50th anniversary and recognizing its contributions to the Nation.

It is particularly meaningful to me to be here today. I have several perspectives. In addition to being a Member of Congress, I am a veteran myself. I served 31 years in the Army National Guard. But I greatly appreciate the service of the Air Force. It has been extraordinary, the military professionalism that truly has been generated by the Air Force Academy.

I had the extraordinary opportunity firsthand to accompany the gentleman from Missouri (Mr. SKELTON), as the ranking member of the Committee on Armed Services, to visit Iraq last September; and I saw firsthand the success of the precision bombing which protected the civilian population and protected the schools and the mosques while the military targets were utterly destroyed in one of the most successful military operations in the history of the United States, protecting the American people from the terrorists by going after them in Afghanistan, going after them in Iraq. And American families are safer.

Additionally, I am grateful to be a service academy parent. I know firsthand how academies promote the high standards of academics. Actually, my son went to an academy which is in the State of Maryland, not in the State of Colorado, but I do have great appreciation for the Academy.

There are facts that should be known, that 32 cadets have been selected as Rhodes Scholars, including our colleague, the gentlewoman from New Mexico (Mrs. WILSON), who also has, I think, the great distinction of being the first female graduate of the Air Force Academy serving in Congress.

Additionally, six cadets have accepted Marshall scholarships; nine cadets have received the Harry S. Truman scholarship; 92 cadets have been accepted as Guggenheim Fellows. There is so much to be appreciative of of the military service, the academic success of the Air Force Academy.

Mr. Speaker, I urge support of the resolution.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 386 introduced by the gentlewoman from New Mexico (Mrs. WILSON) and my colleague on the Committee on Armed Services; and I commend her on your efforts to recognize the 50th anniversary of the United States Air Force Academy.

On April 1, 1954, President Dwight D. Eisenhower signed into the law a bill that established the United States Air Force Academy; and this Thursday, April 1, 2004, the Nation will recognize the 50th anniversary of this Academy and its efforts to inspire and develop outstanding young men and women as Air Force officers.

However, the history of the Academy began long before the bill was signed by President Eisenhower. One of the first to recognize the need and to advocate for an air service academy was Brigadier General Billy Mitchell, often considered to be the father of the United States Air Force. He was an outspoken advocate of strategic air power, and he had attempted to establish an air school for many years.

Progress on the Air Force Academy began in 1949 when Secretary of Defense James Forrestal established a board of military and civilian educators to recommend a general system of education for the services. The board, which was headed by Dwight D. Eisenhower, then president of Colombia University, and Robert L. Stearns, then president of the University of Colorado, recommended that an Air Force Academy be established; and this was done in 1954 under President Eisenhower's signature.

The Academy's commitment to excellence began with its first class in July of 1955, which was comprised of 306 men who lived in temporary facilities at Lowry Air Force Base in Denver, Colorado. Lieutenant General Hubert R. Harmon, recalled from retirement, became the first superintendent. The Cadet Wing moved to its current location 3 years later in 1958, and the first class graduated in 1959.

In 1964, the academies were allowed to nearly double their enrollment to over 4,400 cadets. In 1976, the first class of women was allowed to attend the service academies, including the Air Force Academy. Since then, more than 35,000 cadets have graduated from the Air Force Academy, including 196 international cadets.

The gentleman from South Carolina (Mr. WILSON) recognized several of the scholarly attributes of cadet graduates, including 32 cadets who have been selected as Rhodes Scholars. I want to call attention to the fact that one of those is my colleague, the gentlewoman from New Mexico (Mrs. WILSON), who was also a Rhodes Scholar.

I also want to recognize 31 cadets have accepted Fulbright-Hays scholarships. Probably even more importantly, Air Force cadet graduates are not only accomplished scholars but have also distinguished themselves on the battlefield. One hundred and twenty-nine graduates have been killed in combat; 36 graduates were prisoners of

war; two were combat aces; and one academy graduate, Captain Lance P. Sijan, received the Congressional Medal of Honor for his extraordinary heroism in Vietnam.

Mr. Speaker, let me congratulate the United States Air Force Academy on its 50th anniversary and recognize the outstanding service that these graduates have provided to our country's defense.

Once again, Mr. Speaker, let me thank my very special colleague, the gentlewoman from New Mexico (Mrs. WILSON), for her efforts to bring this bill forward as an Air Force Academy graduate.

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

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Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague for his kind words.

This resolution is cosponsored by 22 Members of the House, including the gentleman from Colorado (Mr. HEFLEY) in whose district the academy is located, and a man named SAM JOHNSON who was honored in the library of the academy. It is a very young version of SAM JOHNSON that is honored there because he was one of the prisoners of war who served in the Air Force and was a prisoner of war during Vietnam; and, of course, the gentleman from Texas (Mr. SAM JOHNSON) is now one of our colleagues here in the House of Representatives.

The gentleman from California (Mr. HUNTER), who is chairman of the Committee on Armed Services, and the gentleman from Pennsylvania (Mr. MURTHA) has been a long-time leader in defense in the House of Representatives, and of course, the gentleman from California (Mr. CUNNINGHAM). I was a little surprised that the gentleman from California (Mr. CUNNINGHAM) cosponsored with me because he has always given me a hard time for being, I think he calls me an Air Force puke, which I take in a polite way. Of course, Duke was one of only two aces in the Vietnam War. Duke was a Navy pilot. The other one was Steve Ritchie, a graduate of the United States Air Force Academy.

Thursday is the Air Force Academy's golden anniversary. It has been 50 years since the President of the United States, Dwight David Eisenhower, established the Air Force Academy. It is in the Rampart Range of the Rocky Mountains at over 7,000 feet of altitude, over 18,000 acres of campus in that beautiful State; but it was not for sure that it was going to be located in what seems now the perfect location for an air academy. St. Louis and Wisconsin were also finalists, and I think Colorado is now glad that they agreed to have the Aluminum University north of Colorado Springs.

The mission of the Air Force Academy is to inspire and develop outstanding young men and women to become Air Force officers with knowledge and discipline, motivated to lead the world's greatest aerospace force in service to the Nation; and for 50 years, that is what the Air Force Academy has done.

It has given us graduates who have known that maybe the real mission of the Air Force is to fly, fight, and win. It has given us graduates who have been distinguished in science, graduates who have earned the Medal of Honor, graduates who have been prisoners of war and returned home, graduates who did not return home.

There are 4,000 cadets in the corps of cadets at the Air Force Academy, and every one of them applies to Members of this body, to the people's House, for the opportunity to attend that great institution and to become part of the long blue line. They accept the challenges not only of academics and of leadership, but also of ethics and character embodied in the honor code; and among graduates of the Air Force Academy, it is the honor code which to us sets the academy apart. We will not lie, steal, cheat, or tolerate among us anyone who does. That standard of ethics is the foundation of character for our military officers, and it is something that all of us as graduates are proud of.

So, today, I hope that this House will join me and my colleagues in congratulating the Air Force Academy on its 50th anniversary and recognizing its service to the Nation. They have given us leaders of character for the Nation. I thank all of them for their service.

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

Mr. SNYDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. REYES), a member of the Committee on Armed Services and a Vietnam veteran helicopter crew chief.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time, and I am here to support and endorse this bill to congratulate the Air Force Academy.

My first term in Congress I was a member of the Visitors Board of the Academy; but most importantly, the Air Force Academy offered my son an appointment. He wound up going to West Point, but it was not an easy decision for him to make; and it was always, for us, a great point of honor to have that offered to my son and, also, more than that, to see the quality of young men and women that come through that great facility.

The academy, I think, symbolizes the best that this country has to offer through its national defense and its military.

I also, if I could, would like to mention that I strongly endorse the bill that reimburses our military personnel for their R&R expenses, travel expenses here as they come back from Operation Iraqi Freedom and the operations in Afghanistan; and in addition to that, I think it is vitally important that this people's House endorses and supports awarding a different campaign medal for Afghanistan from one for Operation Iraqi Freedom and the battle in Iraq. Those are all important issues for all our military personnel.

With that, I thank the gentleman for yielding me the time.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume. I have no further speakers and would close if it is appropriate.

Mr. Speaker, I think this must be a special day for the gentlewoman from New Mexico (Mrs. WILSON) today, as an Air Force Academy graduate, to be able to carry this bill on the House floor commending the 50th anniversary of the Air Force Academy; and it is a pleasure to be here with her.

I recognize the strong tradition of service that the Air Force Academy has had to this country, and I am proud to support and endorse this bill.

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

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

On Thursday, at the Air Force Academy, the cadet area of the Air Force Academy is going to be designated as a national historic landmark; and for the 35,000 Americans who have walked around the corners of that terrazzo, it will be a special day.

It is really a privilege and an honor to be here today to honor the Air Force Academy and to wish them all the best on the next 50 years.

Mrs. MALONEY. Mr. Speaker, at a time when our men and women in uniform are deployed overseas, it is especially appropriate to acknowledge the contributions of the institution that has trained so many of our Air Force leaders. I join my fellow Americans in celebrating the United States Air Force Academy on its 50th anniversary.

While the vast majority of cadets at this institution have gone on to distinguished careers of service that have made us all proud, it is unfortunate that the Academy's ineffective approach to the problem of sexual assault has tarnished the reputation of the Air Force Academy in the past decade. An investigation commissioned by Congress—chaired by former Congresswoman Tillie Fowler—made recommendations less than a year ago on how to improve the culture at the Air Force Academy to support victims of sexual assault.

Mr. Speaker, the report makes clear that the recommendations made in the report are only a beginning to solving the problem of sexual assault at the U.S. Air Force Academy. It states that the common failure in each of the many efforts made to address this problem over the past decade was the ''absence of sustained attention to the problem and follow-up on the effectiveness of the solution.''

It is essential that we, as Members of Congress, follow up on the recommendations made to ensure that the

culture of the Air Force Academy does not tolerate sexual assault, perpetrators are punished, and victims are supported. The reputation of such a distinguished institution should not continue to be frayed by its failure to effectively address this one important issue.

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

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentlewoman from New Mexico (Mrs. WILSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 386.

The question was taken.

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

Mrs. WILSON of New Mexico. 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.

PROVIDING FOR CONSIDERATION OF H.R. 3966, ROTC AND MILITARY RECRUITER EQUAL ACCESS TO CAMPUS ACT OF 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order (except those arising under the Congressional Budget Act of 1974) to consider in the House the bill (H.R. 3966) to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit with or without instructions.

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

Mrs. MYRICK. 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.

On Thursday, March 25, 2004, the Committee on Rules announced that it may meet the week of March 29 to grant a rule which could limit the amendment process for floor consideration of H.R. 3966. The announcement further stated that any Member wishing to offer an amendment submit the amendment to the Committee on Rules by 1 p.m. on Monday, March 29, 2004. No amendments were submitted to the Committee on Rules for their consideration.

H.R. 3966 is based on a simple principle. Colleges and universities that accept Federal funding should also be willing to provide military recruiters the same access as other prospective employers to students in ROTC scholarship programs.

This legislation would improve the ability of the Department of Defense to establish and maintain ROTC detachments and ensure that military recruiters have access to college campuses and students.

Successful recruitment for our military relies heavily on the ability of these recruiters to have access to the students and the students to be able to have access to the recruiter easily.

This bill also requires an annual verification of colleges and universities who already support ROTC that they will continue to do so in the upcoming academic year.

The Department of Defense seeks nothing more than the opportunity to compete for students on an equal footing with other prospective employers. At no time since World War II has our Nation's freedom and security relied more upon our military than now as we engage in the global war on terrorism.

Our Nation's all-volunteer armed services have been called upon to serve, and they are performing their mission with the highest standards. The military's ability to perform at this standard can only be maintained with effective and uninhibited recruitment programs.

As many of my colleagues know, the Armed Forces face a constant challenge in recruiting top-quality personnel, and I believe that ROTC programs are ideally suited to meet those needs. To that end, I urge my colleagues to support the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume, and I would like to thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the customary 30 minutes.

Mr. Speaker, we are considering this bill, surprise, surprise, under a closed rule. Once again, the Republican majority has decided that thoughtful debate and the ability for Members to offer amendments is too much of a bother.

We learned that the underlying bill, H.R. 3966, was going to be on the floor at the end of last week when Members left Washington to return to their districts. Most Members did not arrive back in Washington until yesterday afternoon, which is exactly the time the Committee on Rules was meeting to report out this closed rule. So, once again, the majority has gone out of its way to stifle debate, prevent amendments, and rush legislation through the House before people know what hit them.

Mr. Speaker, one of these days, and I hope it is soon, this kind of heavy-handed use of power is going to backfire, especially when there is so much important work that is not being done.

At the end of the debate on this rule, I will urge a ''no'' vote on the previous question so that the House can consider the critical issue of unemployment insurance for the estimated 1.1 million jobless workers who will have exhausted their regular unemployment benefits without receiving additional aid. This is the largest number of exhaustees in over 30 years, and this figure will only continue to grow when 80,000 more jobless workers exhaust their regular benefits and go without any additional aid each week.

As for the underlying bill, H.R. 3966, it is my view that it should be defeated. In 1995 and 1996, Congress passed legislation to deny Defense Department funding to colleges and universities that failed to give military recruiters access to their campus and students. Known as the Solomon Law, this legislation was passed to respond to efforts by several colleges and universities to protest the discriminatory policies of the Pentagon against gay men and women. Over time, the law was expanded to prohibit funding a university might receive from nearly every Federal agency.

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H.R. 3966 would round out that list by expanding it to include the CIA and the National Nuclear Security Administration at the Department of Energy. The bill would also restate the Department of Transportation which was inadvertently deleted 2 years ago.

Now I am grateful that this law does not apply to student financial aid, but, unfortunately, it does apply to all other grants, including research grants.

Last November, a U.S. District Court in New Jersey upheld the constitutionality of the Solomon Law, but the court also determined that the Solomon Law does not give the Pentagon any basis for asserting, as it has in the regulations on implementing the Solomon Law, that universities and colleges must give military recruiters the same degree of access to campuses and students provided to other employers.

Ironically, Mr. Speaker, the Solomon Law is not about equal access at all

but about special access for the Pentagon. As the Servicemembers Legal Defense Network states, and I quote, ''There is no lack of equal access for military recruiters and ROTCs on America's college campuses. Any access for an employer that fails to meet schools' nondiscrimination policies is special access. The Solomon Amendment is about giving the military a special right to discriminate in a way other employers may not.''

So, Mr. Speaker, this House is being asked to use the blunt force of legislation to expand the Solomon Law to include equal treatment and scope for military recruiters who already have access to every campus and every student in the land.

It is my understanding, Mr. Speaker, that the Pentagon sent a list to the Committee on Armed Services regarding a handful of colleges and universities that the Pentagon has predetermined do not provide them with equal treatment and quality of access to students. Now, let me emphasize, these are all colleges and universities that fully comply with the existing Solomon Law. They include several of our premier academic and research universities.

And who gets to make this determination, this judgment, as to whether a college or university is in compliance with this new law? The Secretary of Defense and the Pentagon. And who gets to determine and implement the punishment? That same Secretary of Defense and the Pentagon, with no independent or neutral arbiter and no genuine right to appeal. So in these cases the Pentagon serves as prosecutor, judge, jury, and appeals court. That is not how it is supposed to work in this country, Mr. Speaker.

Until I have a better understanding as to why these colleges and universities are on some predetermined watch list from the Pentagon that could strip them of all their Federal funding and research grants, I cannot support this expansion of the Solomon Law, a law which itself is grounded in discrimination.

Now, Mr. Speaker, every Member of this House, including myself, supports the ability of our Armed Forces to encourage the best educated and best minds of our Nation to consider the military as a career, especially in these perilous times. But, Mr. Speaker, the military already has that ability. It simply does not want to accept ''yes'' as an answer from 100 percent of our colleges and universities regarding access to campuses and students. What the Pentagon wants is 100 percent access on their terms and their terms alone.

It is true that the military has a problem with recruitment and retention, a serious situation when our troops are stretched so thin around the globe. As the resolution says, the Armed Forces face a constant challenge in recruiting top-quality personnel. But, Mr. Speaker, perhaps if the Pentagon truly addressed the serious issues of discrimination against women and against gays and against minorities, more of these top-quality personnel would be willing to serve.

Mr. Speaker, I want to conclude my opening statement by asking: Are there not more urgent issues to consider before Congress adjourns for spring recess? The extension of unemployment benefits genuinely is an urgent issue, increasingly a life-and-death issue for many families, and it seems to me like a far more important issue for this House to consider before we recess on Friday than the bill that is before us this morning.

As I noted earlier, at the end of this debate I will be calling for a ''no'' vote on the previous question so that this House can take up the urgent issue of extending unemployment benefits to the 1.1 million needy Americans whose benefits have been exhausted.

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

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

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I want to rise today to defend the thousands of people in the State of Washington who have no job and no unemployment benefits. Thousands more in our State face the same dire circumstances over the next 3 months.

The Washington State unemployment rate is the fourth worst in the United States. The United States Department of Agriculture Household Food Security Report ranks Washington as the fifth most hungry State in America. The National Law and Employment project says that at least half the people unemployed are putting off needed medical and dental treatment because they cannot pay for it. Half the personal bankruptcies in this country are the result of medical bills people cannot afford to pay.

Time and time again the Democrats have asked the Republicans to show a little compassion and extend a lifeline out to these people who are calling out for help. Republicans and the administration have a deaf ear. Again today we call on the Republicans and we urge the administration to stop pretending that economic recovery is at hand.

In the month of February, there were 21,000 jobs created in the United States. That is 400 for each State and not a single one in the private sector. All of them were government jobs. If you call that a recovery just around the corner, you have a different definition than I do. If that is recovery on the horizon, so the sun is setting on the hopes of average Americans.

No American should face alone at a time like this the problems of the unemployed. And we can change it. We can change it. The money is there. We do not have to raise taxes or do anything. We can change it. No American should feel they have no place to turn and no one to turn to. We can change that, and no American should find the country's leaders listening but not hearing. We can change that today.

Today, we can take a real step toward economic recovery by extending unemployment benefits. America is only as strong as its will to defend its people at home against economic adversity. We need to speak out loud and clear in a voice of unshakable compassion, commitment and concern. Let us extend the unemployment benefits. We have been talking about this since December. Thousands of people have lost their jobs. They have quit looking. The numbers seem to be going down only because they have quit looking because there are three people looking for every job that is out there.

This bill is sort of directed at maybe we should keep them out there, keep them hungry, keep them desperate, and maybe they will go in the military. That is what this is about, perhaps.

The fact that we cannot deal with this issue suggests that the President, who talked about compassionate conservatism, has no idea what it is like to be without a job. If your dad can buy you a company or your father's friends can give you a baseball team, I suppose you really would not understand what it is like to be without a job.

I remember when my father was. He was an insurance man, lost his job, went out and was driving a cab. I used to go down and open the cab company at 5:30 in the morning with him. I know what it is like to see what that does to somebody and how desperately they look. But today they cannot find it. And the Republicans just sit there look at the ceiling and twiddle their thumbs.

Well, the workers in this country and the unemployed in this country are not going to twiddle their thumbs on November 2. They are going to compassionately give Mr. Bush a one-way ticket to Crawford, Texas.

Vote against this bill.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Right now, Oregon has 7.7 percent unemployment, the highest in the country. Since January, 2001, the State has lost over 50,000 jobs. These are hard-working men and women, not statistics. They are real people with real lives and families, and right now they are facing the prospect of not having enough money to put food on the table or enough money to pay for their medical bills if someone should get sick.

I have talked to people who are unemployed. They have sold their homes trying to live off the profit. They said, I do not know what is going to happen when this money runs out.

Unemployment benefits are supposed to be a safety net to get you from one job to the next job. They do not provide 100 percent of the person's previous salaries, but those benefits are absolutely vital for families to make ends meet. They are not out there not going to work because they want to. They are out there because they cannot find a job.

I talked to one gentleman, 52 years old, daughter in high school, and he talks about how bright his daughter is and that he would like to send her to college. He said, I cannot even pay for my mortgage. What am I going to do for my daughter?

Not only do these benefits provide a level of security for families, unemployment benefits are also stimulants for the economy. For every dollar we spend in unemployment benefits, we put $1.73 back into the economy. That is good for business as well as people. These benefits are not used for luxury items. They are used to pay the rent, food, and utility bills.

The President talks about marriage promotion programs costing in the billions of dollars, but it is a scientific fact that poverty and homelessness directly increase the rate of divorce. Unemployment benefits, which keep families together and keep them temporarily off the streets until they find a new job, should be considered the best marriage promotion program of all, yet these benefits have been ignored by Congress and this administration.

Some have raised concerns that extending unemployment benefits would bankrupt the system. Guess what? We have $18 billion sitting in the unemployment trust fund. That is more than enough to continue this program and extend the current benefits. These funds were paid into this unemployment compensation system for the purpose of helping dislocated workers during difficult economic times.

In short, there is not a legitimate argument towards not extending the unemployment benefits.

Again, people talk about stimulating economy. These benefits stimulate the economy. People say, well, we do not have enough money, yet we have $18 billion sitting in that account for that purpose. People talk about promoting marriage and families. Preventing financial crisis is the number one way to keep families together.

Frankly, it is a no-brainer. I urge my colleagues to defeat the previous question so we can extend unemployment benefits for the thousands of suffering Oregonians and Americans.

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

Mr. COX. Mr. Speaker, I thank the gentlewoman for yielding me this time. I rise in strong support of H.R. 3966, and I want to commend the gentleman from Alabama (Mr. ROGERS) for his leadership and hard work on this issue. The rule that will bring this bill to the floor is, therefore, very important.

This bill is named the ROTC and Military Recruiter Equal Access to Campus Act of 2004, but it might just as well as be called the Harvard Act, because it squarely addresses the scandal of Harvard University and other schools' banishing ROTC and military recruiters from campus while turning around and cashing Uncle Sam's checks for billions of dollars each year from the Department of Defense and other Federal agencies that are fighting the global war on terror.

The attacks on America, on the World Trade Center, and on the Pentagon should serve as a wake-up call to schools such as Harvard which banished ROTC from campus 35 years ago.

□ 1515

As our Nation wages an aggressive campaign to stop global terrorism, President Kennedy's call to young people to ask what you can do for your country is more important than ever. America's Armed Forces are hunting down al Qaeda and other supporters of terrorism in Afghanistan, in Iraq, and on every continent around the globe. Never in recent history have Americans asked more of members of the Armed Forces, and never have we had a greater need for well-educated leaders in our military.

Today, successful recruitment of exceptional officers depends heavily on the Reserve Officers' Training Corps. This past year, for instance, 70 percent of the Army's newly commissioned officers came from ROTC. Through ROTC, students receive generous scholarship assistance in return for agreeing to serve their country following graduation. As chairman of the Select Committee on Homeland Security, I have been gratified and humbled to see how many of the best and brightest in America have been willing to enlist in the fight against terrorism both through ROTC and by choosing the armed services as a career upon their graduation. Yet I am very troubled that a number of America's most prestigious colleges and universities, including Harvard, Yale, Stanford and Columbia, continue to officially ban ROTC from campus. Many of these same schools deny students the opportunity to interview on-campus with military recruiters. These policies have been successful in discouraging young adults from choosing a career in the military.

The legislation before us today makes several important reforms to protect taxpayers, to protect students' freedom of choice and to protect our armed services from discrimination. The premise of the bill is a simple one: colleges that discriminate against the United States armed services should not receive United States taxpayer funds related to national defense and homeland security.

Specifically, H.R. 3966 makes three major reforms. First, it will stop the current abusive practice under which schools ban ROTC and military recruiting, but then turn around and cash enormous checks from the Department of Defense, the Department of Homeland Security, and other Federal agencies fighting the war on terror. For example, the Homeland Security Act created several new science and technology research programs for which colleges and universities are eligible. This law will say that these funds should not go to schools that discriminate against ROTC or military recruiters.

Second, this legislation will require schools that accept national security and homeland security funds to certify that they do not discriminate against ROTC and that they do permit on-campus ROTC programs if requested by the Department of Defense. Current law, which already requires schools accepting defense funds to accommodate on-campus ROTC programs if requested by the Department of Defense, is not enforced against elite schools such as Harvard, Yale, Stanford, Columbia and others that have banned ROTC on campus. This bill will change that.

Third, this legislation will ensure that schools accepting national security and homeland security funding provide access to military recruiters that is ''equal in quality and scope'' to the access provided to other campus recruiters. At Harvard, even military recruiters who are themselves Harvard graduates are not permitted to meet students on campus like other employers. A Harvard grad that has stained himself in the view of the faculty by participating in the U.S. military cannot visit campus and cannot stuff mailboxes, even though virtually every other group and every other employer is permitted to do so.

On the Harvard campus in Memorial Church, the names of Harvard alums who died in service to this country are inscribed on the wall and there is this inscription by former Harvard President Lawrence Lowell:

''While a bright future beckoned, they freely gave their lives and fondest hopes for us and our allies, that we might learn from them courage in peace to spend our lives making a better world for others.''

Today, as our Nation calls for able new leaders in the war on terror, will Harvard and our Nation's other elite universities step forward and live up to that legacy? It has been a long time since 1969 and Vietnam, John Kerry notwithstanding, when Harvard's faculty, of which I am a former member, banished ROTC. It has been 2½ short years since our Nation was attacked by terrorists who still make war on our Nation. It is time for universities that accept national security and homeland security funding to support and encourage, not undermine, this Nation's call to service. That is the message of H.R. 3966.

I urge my colleagues to join with me in supporting this important legislation and the rule that will bring it to the floor.

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

I would just simply say to the gentleman that Harvard does have an ROTC unit. One thing I suggested in my opening remarks, and I would suggest it again, is that probably the best way to kind of put this controversy to rest is for the military to deal with some of the discriminatory practices that currently exist. Some of these colleges have nondiscrimination policies that, quite frankly, conflict with some of the blatantly discriminatory policies that we now see happening in the Pentagon. I would simply say to the gentleman that maybe a way to resolve this, we can also deal with some of the underlying issues that continue to exist.

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

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. COX. It is true that there are a handful of brave students at Harvard that are ROTC scholars, and it is true that Harvard is happy to cash their scholarship checks; but Harvard refuses to permit the ROTC program on campus and, therefore, the students have to go down the road to MIT, which will accept them as the gentleman knows. As a result, the discrimination against Harvard students is very real. Furthermore, as the Wall Street Journal has outlined, not on their editorial page but in news articles, there is on campus a very hostile attitude toward students in uniform. That needs to be changed.

Mr. MCGOVERN. I appreciate the gentleman's answer. I would also say to my colleagues on the other side of the aisle, when we talk about the importance of people standing up to their responsibilities during this difficult time, I hope that there will be equal passion that will be brought to demanding that some of these Benedict Arnold companies that, quite frankly, take U.S. tax dollars and are engaged in contracts involving the reconstruction of Iraq and they do not pay U.S. taxes, I hope that there will be some accountability there.

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

Mr. CARDIN. Mr. Speaker, I thank my friend from Massachusetts for yielding me this time.

Mr. Speaker, I do not object to this rule; but I do strongly object to congressional inaction on an issue of daily importance to millions of Americans, that is, the extension of unemployment benefits for workers who have lost their jobs through no fault of their own. Federal Reserve Chairman Alan Greenspan said earlier this month, ''I think considering the possibility of extending unemployment benefits is not a bad idea in times like this.''

Congress allowed the temporary extended unemployment compensation program to expire at the end of last year despite a tremendous need for these extended benefits. Many of us have been trying to extend the program ever since, but the Republican leadership in Congress has continually blocked those attempts. This obstructionism has occurred even though majorities in both the House and the Senate have voted to extend unemployment benefits. This obstructionism has gone on despite the fact that the average duration of unemployment has reached its highest level in over 20 years. This obstructionism continues even after we have heard our economy had a zero private sector growth in jobs last month. This obstructionism blocks action even as more than 1 million Americans have run out of unemployment benefits without finding work in just the last 3 months. And this obstructionism continues even after the Secretary of the Treasury indicated the President is finally willing to say he would sign an unemployment extension bill if it is sent to his desk.

Mr. Speaker, enough is enough. Congress needs to act to help the unemployed as it has during every other time when jobs were scarce. If the previous question is defeated on this rule, the next order of business before the House will be the consideration of an unemployment extension. More specifically, the House would debate a 6-month extension of the expired temporary extended unemployment compensation program. This extension would help nearly 3 million jobless workers pay their mortgages, put food on the table, and deal with these very difficult economic times.

I, therefore, strongly urge my colleagues to defeat the previous question so that we can provide the necessary assistance to those who are unemployed and cannot find employment.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I had not planned to come to the floor and debate this resolution. This resolution actually deals with the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officers' Training Corps units at institutions of higher learning. That is the subject of this particular measure. This is the rule, or the resolution, by which we consider that particular bill.

The other side of the aisle, unfortunately, is using this as an opportunity to bash our side of the aisle and also the administration. They are also using it as a vehicle to try to attach a nongermane amendment dealing with extension of unemployment benefits. It may well be necessary to do that, but let me say that I have heard some of the comments that have been made. I disagree with those comments. I come from the business sector. If we want to see jobs created and opportunities for people, we do not want to leave one option and that is extended unemployment benefits. I know the other side is well intended here. But if the other side is truly well intended, they need to take some time and look at pending legislation and proposals that would create jobs. Maybe some on the other side have not had enough familiarity with what a businessperson goes through today. Litigation, taxation, and government regulation are job suppressers in this economy. I challenge the other side, instead of offering a handout or an extended unemployment check, to offer a job and pass some of the legislation that is pending.

If you are going into business today, you take a great chance. I am glad I am out of the business world, because you are sued at every turn. If you want to see why jobs are going overseas, it is because of litigation. We do not even produce in this country anymore a ladder. There are no ladders produced in the United States because people would be sued to where they cannot afford to produce or manufacture in the United States, so they take those jobs and opportunity overseas.

If you are compassionate about people, do not give them just one option. They want a good-paying job, and they want to be able to compete in a global market. Try to go open a business, and I challenge Members of Congress to get back in business. Some of them should return to the private sector and see what it is like. I am so pleased that my wife and I, we are approaching April 15, that we do not have to fill out the mounds of forms and tax returns and comply with all the regulations. And health care, give some options in health care. Talk to a small businessperson. That is where jobs are in this country. Jobs are with small business in this country. They create more than all the big corporations. But you ask a small businessperson if he is going to expand jobs and he will say, it is very difficult. His taxes are high. In fact, taxes on business in the United States are the highest in almost any nation in the world. So would you go overseas, or would you create jobs here in the United States? You cannot afford to have health care.

I challenge the Members. Look at your pay stubs. There is $2,700 going out for health care. That is our part of the equation. The total cost is $9,000, $10,000 a person. How would a small businessperson deal with that for health insurance for themselves or to create jobs? So here we have presented today, they are taking time from another piece of legislation, one option, a handout, a check which people may need, that is true, but they want a good-paying job.

□ 1530

So stop blocking legislation like Head Start that will give our young people some quality in a very expensive program to our neediest students who go on to become failures in our

schools and in our system. Stop blocking job-training programs and initiatives by the President, because everyone is not going to college, community colleges, where we need to train people for changing jobs in technology opportunities that we are missing and helping small business, not hurting small business to create jobs so we can have people working in the future. So I urge the passage of the rule.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I do want to talk about the pending legislation, so I do not have time to comment on all the odd things that the previous speaker talked about, but a couple must be mentioned.

This assertion that we in the minority are blocking legislation has to be one of the most bizarre misrepresentations of the actual situation I have ever heard. We have no control over the agenda. We are not blocking anything. I wish we could block some of the stuff that has happened.

But this challenge to us to stop blocking Head Start, I have looked all over. I could not find Head Start laying anywhere here. We have not hidden it under our chairs. We are not blocking Head Start.

Job training, stop blocking job training. Job training is not being held hostage in the Democratic cloakroom. All of the scheduling is up to the majority.

So this arm-waving about stop blocking things when the majority is entirely in control does not make a great deal of sense.

I, on the other hand, did appreciate the honesty of the gentleman when he sneeringly referred to unemployment compensation as a handout. He said, if people are in business, they understand that that is not the way to go.

I had thought Secretary Snow, the Secretary of Treasury appointed by the President, former head of CSX, had some business experience. I was pleased last week when he supported the extension of unemployment benefits. Yes, we should do more about job creation, but there are people who are not going to get those jobs over the next few months who have been on extended unemployment. The refusal to extend unemployment compensation, and it is not the administration we are criticizing here, it is the majority in this House, because they are the ones who will not do it, over the objection of us, the refusal to extend unemployment compensation causes real injury to working families. And then when the gentleman says that is just a handout, he literally adds insult to injury.

But now I want to talk about this pending legislation. It is not aimed at providing more people for the military. There is not an argument that they do not have enough people in the Officers Club. There is not an argument that there are not enough ROTCs around to service the military. That is not this legislation's purpose.

This legislation is to punish those institutions which have said, as a matter of principle, we do not want them recruiting on their campus unless everybody is eligible. We do not want them restricting on irrelevant grounds people because of their race or their religion or their gender or their sexual orientation.

As long as the military says that gay and lesbian people are not suitable to serve, although, as we have seen now, during wartime they stopped throwing people out quite as much because it turns out gay and lesbian military people, as we know, are quite capable of doing the job and when they are needed, they are kept on. But the purpose of this is to penalize those principled institutions that say we dislike this discrimination.

Indeed, this legislation helps restrict the number of people who join the military. We have a shortage of people who speak Arabic working for the United States in the military and elsewhere. About 1½ or 2 years ago, seven members of the military who were doing very well learning Arabic were kicked out because they were discovered to be gay or lesbian.

So with your policy of ''don't ask, don't tell and, by God, don't translate'' because somehow they will undermine the security of this country, you are restricting the entry into the military of qualified people. And this legislation does not expand the pool of people. It is in the service of a policy that unduly and unwisely and unnecessarily restricts the access, and it does it in a punitive way.

It could be changed. For example, it says, well, wait a minute, if we are going to take money for national security, then they cannot stand up for their principle of nondiscrimination. When did the Department of Transportation get involved there? I am all for public transportation. I had not thought it was a matter of national security.

This legislation also says, the gentleman from California alluded to, a situation where students at Harvard have to go to MIT, and he said that is inappropriate. On Page 6 of the bill, it says that if the Secretary of the Military Department refuses to allow an ROTC in a particular school, he can authorize or she can authorize those students to go elsewhere. Why is that compromise not good enough for the school? This bill calls for the use of a system the gentleman from California said was discriminatory.

I want to just repeat the main point, because no one really believes and the military has not said, oh, we are being so hindered by these recruitment restrictions that we cannot get enough people. This is to penalize those institutions that are just standing up particularly for the principle of nondiscrimination and particularly for the principle that qualified members of their university communities ought not to be discriminated against and punishing them to reinforce an unfair policy hurts the military. It does not help it.

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

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

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

Mr. LEVIN. Mr. Speaker, we are asking that the previous question be defeated and that we be allowed to bring up unemployment compensation to extend it; and here is the reason:

I am glad we are debating this because the gentleman from Florida, by his discussion, has exposed exactly what is the thinking of the majority in this House.

Last Friday, I met a fellow, 55, an electrician, working for more than 30 years. He told me he was going to take his retirement, his pension, from the Electrical Workers Union. He was going to do so even though he lost a level of benefits. And I said why?

He said, because I have only 2 weeks of unemployment compensation left and if I do not take early retirement, I am going to lose my house.

And you on the majority side call unemployment compensation a handout? It is part of the employment structure of this country because with employment sometimes comes unemployment.

And you say get a job? You in the majority, who have been in the majority in this city, in the Senate, and occupying the White House, under whose dominion three million jobs have been lost, tell this fellow, and there are hundreds of thousands of men and women like him, get a job? That is an insult to the working people of this country.

So we are bringing this up because you will not bring this bill up for a straight ''yes'' or ''no'' vote. If you brought it up, you know we would carry our position.

The gentleman from Massachusetts (Mr. FRANK) has mentioned it was said by Mr. Snow, the Secretary, that the President would sign an extension when there are $18, $19 billion in funds set-aside for this purpose. We do not want a President to passively say he will sign it. We want some leadership from the President of the United States for the millions of people who are unemployed and the hundreds of thousands of people who exhaust their benefits every month. Defeat the previous question.

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

Mr. Speaker, I will urge a ''no'' vote on the previous question; and if the previous question is defeated, I will offer an amendment to the rule which will provide that, immediately after the House passes H.R. 3966, it will take up legislation to extend Federal unemployment benefits to the end of September of this year.

Mr. Speaker, last week during testimony before the House Committee on

Financial Services, the Secretary of the Treasury said the President would sign legislation to extend Federal unemployment if it reached his desk. The bill that I will attempt to make in order would give the President that opportunity. It is a simple extension of the current program through September 30, nothing more, nothing less. If the President is willing to sign this badly needed bill, then we should get it to him immediately; and if we defeat the previous question, we can get the process started right away.

From late December through the end of March, an estimated 1.1 million jobless workers will have exhausted their regular unemployment benefits without receiving additional aid. This is the largest number of exhaustees in over 30 years. This figure will continue to grow, with 80,000 more jobless workers exhausting their regular benefits and going without any additional aid each week. Despite this, the Republican leadership in this House refuses to extend this program.

Mr. Speaker, today's unemployment numbers are devastating. With no private sector jobs created last month and only 21,000 jobs created overall, all of them public sector or government jobs, unemployed Americans today are facing insurmountable odds. Today, 8.2 million Americans are unemployed, and 3 million private sector jobs have been lost since President Bush took office. On top of the millions of unemployed, there are 4.4 million people who are working part time, which is an increase of 33 percent since the beginning of this administration. The average length of unemployment hovers at the highest level in almost 20 years; and, worst of all, Mr. Speaker, there is no relief in sight. Yet this Congress cannot seem to find a will or the time to extend unemployment benefits to those workers who have exhausted their benefits but still cannot find work.

What are their families supposed to do, Mr. Speaker? Where will the money come from to pay the rent or the mortgage, to buy medicine, food, or gas for the car? Does this House simply not care about these families and their children?

Mr. Speaker, the extension of unemployment benefits is an urgent issue for many families; and it seems to me like a far more important issue for this House to consider than the bill that we are considering right at this point. Let me be very clear that a ''no'' vote on the previous question will not stop consideration of H.R. 3966. But a ''no'' vote will allow the House to vote on legislation to help provide some much-needed relief to our Nation's unemployed workers, many of whom have not had a paycheck for months. However, a ''yes'' vote on the previous question will prevent the House from passing this desperately needed extension of Federal unemployment benefits to our jobless workers.

Mr. Speaker, let us show the American people that we get it, that we understand what the real problems are facing the people of this country and that this House deliberates on issues that really matter, that make a difference to people's lives.

So vote ''no'' on the previous question and vote to extend unemployment benefits.

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

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

I would just like to note, Mr. Speaker, that Albania is a country that is a NATO aspirant and Albania's Prime Minister Fatos Nano is visiting Washington today.

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

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

These votes will be followed by 5-minute votes on House Resolution 558 and S. 2057 under suspension of the rules.

The vote was taken by electronic device, and there were—yeas 223, nays 202, not voting 8, as follows:

[Roll No. 98]

YEAS—223

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

NAYS—202

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

Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Culberson
DeMint
Gephardt
Hulshof
Jones (OH)
Serrano
Tanner
Tauzin

□ 1608

Mr. MURTHA and Mr. RUPPERSBERGER changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the resolution.

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 two motions to suspend the rules previously postponed.

Votes will be taken in the following order: House Resolution 558 and S. 2057. These electronic votes will be conducted as 5-minute votes.

Votes postponed on H.R. 3104 and H. Con. Res. 386 will be taken later today.

WELCOMING THE ACCESSION OF BULGARIA, ESTONIA, LATVIA, LITHUANIA, ROMANIA, SLOVAKIA AND SLOVENIA TO THE NORTH ATLANTIC TREATY ORGANIZATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 558, 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 Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 558, 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 422, nays 2, not voting 9, as follows:

[Roll No. 99]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
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)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
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
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
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
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
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)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Bartlett (MD)
Paul

NOT VOTING—9

Carter
Culberson
DeMint
Gephardt
Hulshof
Jones (OH)
Serrano
Tanner
Tauzin

□ 1618

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.

A motion to reconsider was laid on the table.

REIMBURSING MEMBERS OF UNITED STATES ARMED FORCES FOR CERTAIN TRANSPORTATION EXPENSES

The SPEAKER pro tempore (Mr. ADERHOLT). The pending business is the question of suspending the rules and passing the Senate bill, S. 2057.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BRADLEY) that the House suspend the rules and pass the Senate bill, S. 2057, 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 423, nays 0, not voting 10, as follows:

[Roll No. 100]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
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
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
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)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
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
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
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)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Cardoza
Chocola
Conyers
Culberson
DeMint
Gephardt
Hulshof
Jones (OH)
Tanner
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain on this vote.

□ 1627

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ROTC AND MILITARY RECRUITER EQUAL ACCESS TO CAMPUS ACT OF 2004

Mr. ROGERS of Alabama. Mr. Speaker, pursuant to House Resolution 580, I call up the bill (H.R. 3966) to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officers Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. OSE). Pursuant to House Resolution 580, the bill is considered read for amendment.

The text of H.R. 3966 is as follows:

H.R. 3966

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 ''ROTC and Military Recruiter Equal Access to Campus Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Reserve Officers Training Corps (ROTC) program is the most common path for undergraduates to become United States military officers.

(2) The inclusion of both public and private undergraduate institutions in the ROTC program insures a more racially, ethnically, and socially diverse pool for leadership in the higher ranks of the Armed Forces.

(3) The majority of both minority officers and female officers in the Armed Forces are acquired through undergraduate ROTC programs.

(4) The presence of ROTC programs on college campuses benefits even those students who are not enrolled by making them aware of the presence and role of the United States military.

(5) Land-grant colleges received land from the United States on the condition that they offer some military instruction in addition to their regular curriculum, forming the basis for the Nation's tradition of college and university acceptance of responsibility to contribute to the Nation's readiness.

(6) The Armed Forces face a constant challenge in recruiting top-quality personnel that ROTC programs are ideally suited to meet.

(7) Military recruiters should have access to college campuses and to college students equal in quality and scope to that provided all other employers.

(8) If any college or university discriminates against ROTC programs or military recruiters, then under current law that college or university becomes ineligible for certain Federal taxpayer support, especially funding for many military and defense programs.

(9) The personnel and programs of the Department of Homeland Security and the Department of Energy are mutually dependent upon a high caliber of well-educated, professional leadership in the Armed Forces in order to protect the people and territory of the United States.

(10) In order to more fully promote the ability of the Nation's Armed Forces to recruit on college campuses and to facilitate the ability of students to participate in ROTC programs on campus, the laws to prevent discrimination against ROTC and military recruiters should be updated.

SEC. 3. PROHIBITION ON PROVISION OF HOMELAND SECURITY-RELATED FUNDING TO POST-SECONDARY SCHOOLS THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING ON CAMPUS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

"TITLE XVIII—ADDITIONAL PROVISIONS

"SEC. 1801. PROHIBITION OF FUNDS BEING PROVIDED TO INSTITUTIONS OF HIGHER EDUCATION THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING ON CAMPUS.

''No funds made available for the Department may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) that, by reason of a determination by the Secretary of Defense under subsection (a) or (b) of section 983 of title 10, United States Code, is ineligible for the receipt of a contract or grant from funds specified in subsection (d) of that section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new items:

''TITLE XVIII—ADDITIONAL PROVISIONS

''1801. Prohibition of funds being provided to institutions of higher education that prevent ROTC access or military recruiting on campus.''.

SEC. 4. CERTIFICATION OF COMPLIANCE WITH ROTC ACCESS PROVISIONS.

Subsection (a) of section 983 of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''No funds'';

(2) by striking ''prevents—'' and inserting ''prevents, either (or both) of the following:'';

(3) by striking ''(1) the'' and inserting ''(A) The'';

(4) by striking ''; or'' and inserting a period;

(5) by striking ''(2) a'' and inserting ''(B) A''; and

(6) by adding at the end the following:

''(2)(A) Not later than 180 days after the date of the enactment of the ROTC and Military Recruiter Equal Access to Campus Act of 2004 and annually thereafter, the Secretary of Defense shall request from each institution of higher education that has students participating in a Senior Reserve Officer Training Corps program during the then-current academic year of that institution a certification that such institution, during the next academic year of the institution, will—

''(i) permit the Secretary of each military department to maintain a unit of the Senior Officer Training Corps (in accordance with subsection (a)) at that institution (or any subelement of that institution), should such Secretary elect to maintain such a unit; and

''(ii) if the Secretary of the military department concerned elects not to establish or maintain a unit of the Senior Reserve Officer Training Corps at that institution, permit a student of that institution (or any subelement of that institution) to enroll in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

''(B) Any certification under subparagraph (A) shall be made by the president of the institution (or equivalent highest ranking administrative official) and shall be submitted to the Secretary of Defense no later than 90 days after receipt of the request from the Secretary.

''(C) In the case of any institution from which a certification is requested under subparagraph (A), if the Secretary of Defense does not receive a certification in accordance with subparagraph (B), or if the certification does not state that the university will comply with both clauses (i) and (ii) of subparagraph (A) during its next academic year, the Secretary shall make a determination under paragraph (1) as to whether the institution has a policy or practice described in that paragraph.''.

SEC. 5. EQUAL TREATMENT OF MILITARY RECRUITERS WITH OTHER RECRUITERS.

Subsection (b)(1) of section 983 of title 10, United States Code, is amended—

(1) by striking ''entry to campuses'' and inserting ''access to campuses''; and

(2) by inserting before the semicolon at the end the following: ''in a manner that is at least equal in quality and scope to the degree of access to campuses and to students that is provided to any other employer''.

SEC. 6. PROHIBITION OF FUNDING FOR POST-SECONDARY SCHOOLS THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING.

(a) COVERED FUNDS.—Subsection (d) of section 983 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''limitation established in subsection (a) applies'' and inserting ''limitations established in subsections (a) and (b) apply'';

(B) in subparagraph (B), by inserting ''for any department or agency for which regular appropriations are made'' after ''made available''; and

(C) by adding at the end the following new subparagraphs:

''(C) Any funds made available for the Department of Homeland Security.

''(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

''(E) Any funds made available for the Department of Transportation.

''(F) Any funds made available for the Central Intelligence Agency.''; and

(2) by striking paragraph (2).

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

(2) Subsection (e) of such section is amended by inserting '', to the head of each other department and agency the funds of which are subject to the determination,'' after ''Secretary of Education''.

SEC. 7. EXCLUSION OF AMOUNTS TO COVER INDIVIDUAL PAYMENTS.

(a) CODIFICATION AND EXTENSION OF EXCLUSION.—Subsection (d) of section 983 of title 10, United States Code, as amended by section 6(a), is further amended—

(1) by striking ''The'' after ''(1)'' and inserting ''Except as provided in paragraph (2), the''; and

(2) by adding at the end the following new paragraph:

''(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.''.

(b) CONFORMING AMENDMENTS.—Subsections (a) and (b) of such section are amended by striking ''(including a grant of funds to be available for student aid)''.

(c) CONFORMING REPEAL OF CODIFIED PROVISION.—Section 8120 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 10 U.S.C. 983 note), is repealed.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to funds appropriated for fiscal year 2005 and thereafter.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3966

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 ''ROTC and Military Recruiter Equal Access to Campus Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Reserve Officers Training Corps (ROTC) program is the most common path for undergraduates to become United States military officers.

(2) The inclusion of both public and private undergraduate institutions in the ROTC program insures a more racially, ethnically, and socially diverse pool for leadership in the higher ranks of the Armed Forces.

(3) The majority of both minority officers and female officers in the Armed Forces are acquired through undergraduate ROTC programs.

(4) The presence of ROTC programs on college campuses benefits even those students who are not enrolled by making them aware of the presence and role of the United States military.

(5) Land-grant colleges received land from the United States on the condition that they offer some military instruction in addition to their regular curriculum, forming the basis for the Nation's tradition of college and university acceptance of responsibility to contribute to the Nation's readiness.

(6) The Armed Forces face a constant challenge in recruiting top-quality personnel that ROTC programs are ideally suited to meet.

(7) Military recruiters should have access to college campuses and to college students equal in quality and scope to that provided all other employers.

(8) If any college or university discriminates against ROTC programs or military recruiters, then under current law that college or university becomes ineligible for certain Federal taxpayer support, especially funding for many military and defense programs.

(9) The personnel and programs of the Department of Homeland Security and the Department of Energy are mutually dependent upon a high caliber of well-educated, professional leadership in the Armed Forces in order to protect the people and territory of the United States.

(10) In order to more fully promote the ability of the Nation's Armed Forces to recruit on college campuses and to facilitate the ability of students to participate in ROTC programs on campus, the laws to prevent discrimination against ROTC and military recruiters should be updated.

SEC. 3. CERTIFICATION OF COMPLIANCE WITH ROTC ACCESS PROVISIONS.

Subsection (a) of section 983 of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''No funds'';

(2) by striking ''prevents—'' and inserting ''prevents, either (or both) of the following:'';

(3) by striking ''(1) the'' and inserting ''(A) The'';

(4) by striking ''; or'' and inserting a period;

(5) by striking ''(2) a'' and inserting ''(B) A''; and

(6) by adding at the end the following:

''(2)(A) Not later than 180 days after the date of the enactment of the ROTC and Military Recruiter Equal Access to Campus Act of 2004 and annually thereafter, the Secretary of Defense shall request from each institution of higher education that has students participating in a Senior Reserve Officer Training Corps program during the then-current academic year of that institution a certification that such institution, during the next academic year of the institution, will—

''(i) permit the Secretary of each military department to maintain a unit of the Senior Officer Training Corps (in accordance with subsection (a)) at that institution (or any subelement of that institution), should such Secretary elect to maintain such a unit; and

''(ii) if the Secretary of the military department concerned elects not to establish or maintain a unit of the Senior Reserve Officer Training Corps at that institution, permit a student of that institution (or any subelement of that institution) to enroll in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

''(B) Any certification under subparagraph (A) shall be made by the president of the institution (or equivalent highest ranking administrative official) and shall be submitted to the Secretary of Defense no later than 90 days after receipt of the request from the Secretary.

''(C) In the case of any institution from which a certification is requested under subparagraph (A), if the Secretary of Defense does not receive a certification in accordance with subparagraph (B), or if the certification does not state that the university will comply with both clauses (i) and

(ii) of subparagraph (A) during its next academic year, the Secretary shall make a determination under paragraph (1) as to whether the institution has a policy or practice described in that paragraph.''.

SEC. 4. EQUAL TREATMENT OF MILITARY RECRUITERS WITH OTHER RECRUITERS.

Subsection (b)(1) of section 983 of title 10, United States Code, is amended—

(1) by striking ''entry to campuses'' and inserting ''access to campuses''; and

(2) by inserting before the semicolon at the end the following: ''in a manner that is at least equal in quality and scope to the degree of access to campuses and to students that is provided to any other employer''.

SEC. 5. PROHIBITION OF FUNDING FOR POST-SECONDARY SCHOOLS THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING.

(a) COVERED FUNDS.—Subsection (d) of section 983 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''limitation established in subsection (a) applies'' and inserting ''limitations established in subsections (a) and (b) apply'';

(B) in subparagraph (B), by inserting ''for any department or agency for which regular appropriations are made'' after ''made available''; and

(C) by adding at the end the following new subparagraphs:

''(C) Any funds made available for the Department of Homeland Security.

''(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

''(E) Any funds made available for the Department of Transportation.

''(F) Any funds made available for the Central Intelligence Agency.''; and

(2) by striking paragraph (2).

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

(2) Subsection (e) of such section is amended by inserting '', to the head of each other department and agency the funds of which are subject to the determination,'' after ''Secretary of Education''.

SEC. 6. EXCLUSION OF AMOUNTS TO COVER INDIVIDUAL PAYMENTS.

(a) CODIFICATION AND EXTENSION OF EXCLUSION.—Subsection (d) of section 983 of title 10, United States Code, as amended by section 5(a), is further amended—

(1) by striking ''The'' after ''(1)'' and inserting ''Except as provided in paragraph (2), the''; and

(2) by adding at the end the following new paragraph:

''(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.''.

(b) CONFORMING AMENDMENTS.—Subsections (a) and (b) of such section are amended by striking ''(including a grant of funds to be available for student aid)''.

(c) CONFORMING REPEAL OF CODIFIED PROVISION.—Section 8120 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 10 U.S.C. 983 note), is repealed.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to funds appropriated for fiscal year 2005 and thereafter.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. ROGERS) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such times I may consume.

Mr. Speaker, I rise in support of H.R. 3966, the ROTC and Military Recruiter Equal Access to Campus Act of 2004. It is based on one simple principle: Colleges and universities that accept Federal funding should also be willing to permit military recruiters equal access to students in ROTC scholarship programs.

Specifically, H.R. 3966 would first require colleges and universities to give military recruiters access to campus and to students that is equal to in quality and scope as that provided to any other private employer.

Secondly, the bill would require an annual verification from colleges and universities who already support ROTC programs that they will continue to do so in the upcoming academic year.

Thirdly, it will add two additional defense-related funding sources, the Central Intelligence Agency and the National Nuclear Security Administration of the Department of Energy, to the potentially prohibitive funding sources already specified in the law.

And, finally, it restores the Department of Transportation to the list of funds that might be terminated. These were inadvertently left out in the 2002 change in the law.

Mr. Speaker, I would also like to emphasize this bill does not in any way disturb or interfere with Federal financial student financial aid.

This law is known as the Solomon amendment after its Congressman, Gerry Solomon of New York, began this as a House amendment adopted in a bipartisan vote in 1995.

The following year, Congress imposed the loss of DOD funding on institutions of higher learning that had an anti-ROTC policy. That same Congress added the Departments of Education, Labor, and Health and Human Services to the list of potentially prohibited funding sources. Then the Homeland Security Act of 2002 added funding from the Department of Homeland Security to the list.

Mr. Speaker, I believe that now Congress must once again revisit this law. Recently, barriers have been erected by some colleges and universities to military recruiters having access to students on campus, particularly in their law schools.

But what has really created a real sense of urgency for us to act now is the recent court decision of Forum for Academic and Institutional Rights, otherwise known as FAIR, versus Donald Rumsfeld. FAIR was a consortium of an unknown number of anonymous law schools in this case.

In the U.S. District Court of New Jersey in September, 2003, the plaintiffs sought a preliminary injunction against the DOD from enforcing Solomon.

In his opinion on November 5, 2003, the judge denied the motion and upheld the constitutionality of the Solomon amendment, but he noted that law schools are loathe to endorse or assist recruiting efforts of the United States military, and he criticized the government's assertion that the Solomon amendment requires colleges and universities to give military recruiters access to campuses and students equal to that given to recruiters from other employers.

□ 1630

In response to the judge's ruling, the Secretary of Defense has asked the Congress to clarify the Solomon amendment to state unequivocally that the military should have the same equal access in scope and quality to that of any other civilian employee.

H.R. 3699 will do just that. I urge support of the House.

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

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume; and I rise in support of this bill, the ROTC and Military Recruiter Equal Access to Campus Act of 2004.

First, I want to recognize the gentleman from Alabama (Mr. ROGERS) for his efforts to bring this measure to the floor, and we thank him for that. While some of my colleagues may oppose this bill, I believe it is important that Congress support efforts to ensure the military recruiters have equal access to all post-secondary institutions of higher learning, as well as law schools and graduate schools.

The propensity for young Americans to volunteer for military service, as well as public service in general, has been declining; and we need to ensure that our military is a reflection of our society, which means that military recruiters need access to all young men and women, including those who attend colleges as well as universities.

I want to take this opportunity to commend our Nation's military recruiters. Recruiting duty is not for the faint of heart. Recruiters often face long hours and demanding duty tracking down student contacts, meeting with prospective candidates, meeting with their families, traveling across the region to attend recruitment fairs and other related activities. To succeed, they must always be available wherever and whenever a prospective candidate may be. Recruiting is a serious, stressful, and vital job in the military; and only the best and brightest in these services are chosen in this capacity.

So we need to make every effort to ensure that military recruiters are successful in their job because it directly affects our national security. Tomorrow's military will be more high-tech, more sophisticated, and more demanding than today's. So we need to recruit bright and competent and knowledgeable people. We can only do this if our military recruiters get fair and complete access to our college campuses and to its students.

Thus, I urge my colleagues to support the bill and provide equal access for military recruiters.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON), a member of the Committee on Armed Services and a cosponsor of this bill.

Mr. MCKEON. Mr. Speaker, I thank the gentleman from Alabama (Mr. ROGERS) for yielding time and for his great leadership in bringing this important bill to the floor.

Mr. Speaker, it goes without saying that military service is the greatest form of duty and sacrifice that any American can have for their country. The brave men and women of our Armed Forces selflessly fight day in and day out to protect America from terror and tyranny from every corner of this world. Military service is more than just a job. It is a duty bound calling and every American should have the opportunity to serve their country in this way if they so choose.

That is why it is so important to pass H.R. 3966 today. This bill will give military and ROTC recruiters the opportunity to have the same unencumbered recruitment ability as other prospective employers on college campuses. For too long, military recruiters have been treated like second-class citizens on some college campuses and have been subjected to undue obstacles that no other recruiters have had to endure.

Some colleges and universities, for example, have required military recruiters to set up their recruitment tables off campus, while allowing other employers to recruit on campus. On other college campuses, ROTC recruiters were only given the option of using remote and inaccessible rooms for their recruitment, significantly reducing their ability to reach students. Shockingly, at one of the most prestigious colleges in this country, New York University, potential recruits were harassed and detained by protestors; and their pictures were displayed throughout the school on a poster entitled ''Face of Complicity.'' This is absolutely unacceptable, and that kind of behavior cannot happen again.

Mr. Speaker, our Nation is involved in a global war on terror, and we must have the best and the brightest working on our side to win. Our college campuses are filled with the next Norman Schwarzkopfs and Colin Powells, and we must give them the chance to fulfill their full potential as Americans.

I urge my colleagues to join me in passing H.R. 3966.

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

Ms. WOOLSEY. Mr. Speaker, today we are debating a bill which at first appears to be fairly straightforward. H.R. 3966 would seem to provide the military recruiters the same access to college and university campuses that other government agencies and private companies are receiving, but the reality is that this bill is not about equal access. It is about discrimination, pure and simple.

If H.R. 3966 passes, then colleges and universities that otherwise adhere to strict antidiscrimination policies will be forced to allow organizations like ROTC to openly discriminate against gays, lesbian and bisexual men and women. The flawed ''Don't ask, Don't tell'' policy that the military has adopted allows the military to discharge any serviceman or servicewoman who is determined not to be straight. In no other field can someone be fired simply for being gay.

H.R. 3966 is nothing short of an open and codified policy of intolerance, intolerance against homosexuals, for the reason of their sexual orientation. Until the incredibly unjust ''Don't ask, Don't tell'' policy is drastically altered, bills like H.R. 3966 will continue to allow for the open discrimination against one group of Americans.

The truth is that H.R. 3966 would unfairly punish those universities who are bold enough to apply the same rules to military recruiters as they do to all other employers, employers who are recruiting on their campuses.

I will vote against H.R. 3966.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a distinguished member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I want to commend the gentleman from Alabama (Mr. ROGERS) and also my friend, the gentleman from Missouri (Mr. SKELTON), who I have the utmost respect for, and he knows that.

This is not an issue of homosexuality. It is not an issue that a lot of my left wing friends talk about, but every day they will stand up on this House floor and say I am for the troops. Of course, everybody is; but yet they vote against defense bills, they vote against intelligence bills, and they also vote against or for every amendment that would gut both military and defense.

We have an all-voluntary force, and to allow access on to our campuses is a good thing. I do not know about my colleagues; but when I see a young man or woman walking the streets, especially around D.C. here, I see pride. I see pride in service and support of this country, and they represent the same thing on our colleges and our universities; but, yet, there is still those that would block that using a whole host of examples of why not to do it.

This ends a form of discrimination and restriction on free exchange of ideas and opportunities. I cannot tell my colleagues the number of people that I served with, young Filipinos, earning their citizenship by serving on ships, young men and women in minorities that come from our inner cities that normally would not have a chance to achieve. Many of those people have learned their discipline and their leadership skills from the military where they would not otherwise have had a chance. They would end up in a low-paying job or on welfare or whatever. It is a great opportunity, and we ought to let this opportunity have some light and have equal representation on our campuses.

That is why we are standing here. That is why my friend, the gentleman from Missouri (Mr. SKELTON), and most of the Members on both sides of this aisle are here; but yet the liberal left will fight it tooth, hook and nail, just like they vote against defense and they vote against Intel and then say we are for the troops.

Well, there is a line. Patriotism is unchanging and a work that has to be taken every single day. I want to thank my friends for supporting this bill.

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

First, let me say I thank the gentleman from California for his kind and generous comments, who wore the uniform so well, not only brought distinction to himself but to our country, and we thank him for his service.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I agree that being able to serve in the military is an important opportunity. I am here opposing this bill because I want to expand that opportunity.

This is not a bill brought forward because the military is having trouble recruiting on campuses. It is brought forward to penalize those universities which have said, look, as a matter of principle we do not want you recruiting among our students if they are not all equally able to take advantage of the opportunity offered. Obviously, there are some things for which you recruit, some people are physically or otherwise ineligible, but universities have said we do not believe that ruling out gay and lesbian young people who would like to join the military is fair to them, and we certainly do not think you should come to our campus and use our facilities and discriminate in a way that we think is unfair among our students.

I agree very much that we should be doing all we can to get people into the military. I will repeat what I said a little while ago, repetition being one of the privileges of our profession.

We have fewer Arabic-speaking translators in the military today because of the policy which kicked out a number of people at the Army language school because they were discovered to be gay. These were people who would, if they had not been kicked out some time ago, been available today to do that important job of translation. I am talking about seven people who were learning Arabic who would today be available in a greatly needed theater.

So, no, there is nothing antimilitary about people saying, look, this is a wonderful institution; yes, the ability to serve your country and its uniform is a very important one; please do not deny it to us on an irrelevant basis. Do not say because of the way we were born and because of our inherent natures we cannot participate in this.

I cite that because I have heard all the leaders in the military from Colin Powell on since this has been discussed say, look, it is not that the gay and lesbian members of the military do a bad job. There is prejudice in this society. There are people who are uncomfortable in their presence, and we have to honor that argument as well. It is bad for morale.

Of course, the Israeli Defense Force is not being able to afford the luxury of discrimination. They have mobilized all of their people, including gays and lesbian people, and no one has suggested that they are an ineffective fighting force or have inappropriate morale.

So I would very much like to agree with the principle that we should expand opportunities for young people, that we should increase our ability to recruit. The way to do that is to change the policy, and we should not be penalizing those institutions which, as a matter of principle, are working for a change in that policy.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Committee on the Judiciary and a cosponsor of H.R. 3966.

Mr. KING of Iowa. Mr. Speaker, initially I would like to thank the gentleman from Alabama (Mr. ROGERS) for bringing this bill before us. It is something I have looked at for some time, and it is something that I certainly support.

It would be my endeavor to bring individual amendments to the appropriations process if we needed to in order to reestablish the pre-eminence of the military on our campuses across this country.

This is something that started back in the 1970s as part of the protests against the Vietnam War; and, slowly, this kind of policy that has been a resistant to recruitment and ROTC on our campuses across this country has used every tool available.

Well, I want to announce that this is about discrimination, this issue is; but it is about discrimination against young men and women in uniform. Whenever somebody stands up in a uniform, we will find somebody with another agenda trying to find a way to erode the values that put them in that place; and so the argument was made, for example, the Boy Scouts would be one, and of course, all our men and women in uniform in the Army, Navy, Air Force and Marines and the Coast Guard are also victims of an effort that is keeping us from recruiting good people because the campuses have lined up against the recruitment on campus.

I look forward to the day that ROTC or any recruiter can set up a card table on the commons at Harvard University on the exact location where George Washington received his commission as commander of the Continental Army. I find that a real offense to the United States, not to have the freedom to do that and to promote it.

A statement was made by the gentlewoman earlier that in no other field can a person be fired for being gay. Well, no, probably not; but most people in this country are at-will employees, and they can be fired for no reason or any reason at all.

It is not a matter about open discrimination.

□ 1645

I would like to relate a little story, Mr. Speaker.

State Senator Jerry Behn from Iowa asked the question, when lobbied by the gay lobby, answer me this: Am I heterosexual or am I homosexual? They looked at him for a while and they said, well, we do not know.

That is the answer. You cannot tell. Keep it private.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS), who is also a cosponsor of this piece of legislation.

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

First of all, I want to express my respect for my colleague, the gentleman from Alabama (Mr. ROGERS), for bringing this legislation to the floor.

I will say this. It is a sad commentary on our time when we even have to have legislation like this. You would not really think in a country that is at war, and we are at war, with soldiers in the field, young men and women risking their lives every day, that such disrespect would be shown to them by men and women their own age.

My son is a Marine. I cannot imagine him being assigned to a college, a university. He has actually left college to go in the Marines. I cannot imagine him coming home from the sacrifice he has made, going on to that college campus and seeing young men and women who, while he was serving in the Marines, were enjoying their college education because he and other young men and women sacrificed for them and served in their place.

The gentlewoman, who I respect from the San Francisco Bay area, and the gentleman from Massachusetts, who I respect, they both said this is about discrimination. I think the gentleman from Iowa said it best when he said it is about discrimination, but it is about discrimination against our military and those that serve in our uniform.

Let us not involve our young men and women who are risking their lives every day. Let us not involve them in some policy discussion. Let us not endanger their lives and the lives of those who serve next to them in this debate.

If law students want to debate this issue, if they want to write in the paper, that is one thing, but when they block military recruiters, as they have done, it is time for us to end this foolishness. It is our responsibility as a Congress. Support this legislation.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), a distinguished member of the Committee on Armed Services and also a cosponsor of this legislation.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Alabama for yielding me this time and for bringing this bill, H.R. 3966, before us today.

Mr. Speaker, I am in strong support of H.R. 3966, which would require that colleges and universities give military recruiters the same access to students as other employers.

We as a Nation depend on the brave service of our military to protect our homeland, but do we honestly think that we are going to recruit the best and the brightest young men and women to serve if their schools are not even letting recruiters in the door? And that, Mr. Speaker, is exactly what is happening. That is why we need this bill.

Mr. Speaker, we rely on an all-voluntary force, which means that students choose whether or not to serve in the military or to pursue a civilian career. I hope that we can all agree that for our safety and the safety of our children and our grandchildren we want to have the smartest and the most capable military possible. But, remarkably, some schools choose to leave military recruiters out in the cold. Mr. Speaker, H.R. 3966 will serve to right this terrible policy of excluding military recruiters from our campuses.

Again, I commend the chairman, I commend the gentleman from Alabama (Mr. ROGERS), and I rise in 100 percent support of it, and I hope we have bipartisan support and pass H.R. 3966.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. COX), Chairman of the Select Committee on Homeland Security and an original cosponsor of H.R. 3966.

Mr. COX. Mr. Speaker, I want to thank the author of this legislation, the gentleman from Alabama (Mr. ROGERS), for his strong leadership needed at this time; and I also want to thank my friend and colleague, the gentleman from Missouri (Mr. SKELTON), for his leadership on this issue.

It is very important that we move this legislation forward because it squarely addresses the scandal of American colleges and universities banishing ROTC and military recruiters from campus, while turning around

and cashing the taxpayers' checks from the Department of Defense and other national security and homeland security agencies of our government to the tune of hundreds of millions of dollars.

My alma mater, Harvard University, which bans ROTC from campus, gets more money in Federal taxpayer grants than it does from tuition for undergraduates and graduates combined, and yet Harvard University sends its hard core, a very small number of hearty brave students, down the road to MIT where they have to do their MIT-based ROTC training because they cannot be on campus. They do not meet Harvard standards because they want to affiliate themselves with the United States military.

The attacks on America, on the World Trade Center and on the Pentagon should have been a wake-up call to schools such as Harvard, which banished ROTC from campus 35 years ago. There is now a feeble pretext for this military ban on America's elite campuses. It is alleged that it is a protest against the Clinton administration's ''don't ask/don't tell policy'' for gays in the military. I find that exceptionally hard to believe, because no mention was made of this problem in 1969 when the ban was put in place.

I was on Harvard's campus during the Vietnam War. I remember when South Vietnam fell to the Communists, and I saw the biggest demonstration that I had seen yet on Harvard's campus, with students out in the streets chanting, ''Ho, ho, Ho Chi Minh, the Vietcong are going to win.'' That is where this ban came from.

It has been a long time since the Vietnam War, JOHN KERRY notwithstanding; and it is high time that we recognize what happened to us on September 11, that we recognize that it was U.S. troops who were defending the Harvard students at Logan Airport in the hours after the 9/11 attacks. And, of course, Boston's Logan Airport was one of the staging airports for the 9/11 attacks on this country.

As our Nation wages an aggressive campaign to defeat global terrorism, President Kennedy's call to young people to ''ask what you can do for your country'' is more important than ever. America's armed forces are hunting down al Qaeda and other supporters of terrorism in Afghanistan, in Iraq, and on every continent around the globe. Never in recent history have we asked more from our Armed Forces, and never have we needed more educated leaders in our armed services.

The best contribution Harvard could make, the best contribution Yale could make, the best contribution that Stamford and Columbia could make to sound, wise policies in our Nation's military is to permit their graduates to enter into leadership posts there. But even a Harvard alum, who is a military recruiter, cannot go on campus to do it.

Now I have heard this is not really about the military, that this is a punitive measure aimed at the colleges themselves. But the military did not start this fight; and, in fact, look at what the universities' policies have accomplished over the last several decades.

In 1964, there were 268,000 ROTC students on America's campuses. Today, it is down to 50,000, a decline of more than 80 percent.

The military is being hurt by these policies, and America is being hurt by these policies. Today, successful recruitment of exceptional officers depends more heavily than ever on the Reserve Officers Training Corps. This past year, 70 percent of the Army's newly commissioned officers came from ROTC.

As chairman of the Select Committee on Homeland Security, I have been deeply gratified and humbled as I have seen how many of America's best and brightest have been willing to volunteer in service to their country in the fight against terrorism, both through ROTC and through choosing a career in the military upon graduation. But many of these same schools that are banning ROTC on campus are also banning even military recruiters from coming to campus.

The premise of this bill is a simple one: Colleges that discriminate against the United States Armed Services should not receive U.S. taxpayer funds related to national defense and homeland security. The bill will stop the current abusive practice under which schools ban ROTC and military recruiting but then turn around and cash enormous checks from the Department of Defense and the Department of Homeland Security. It will require they certify that they do not discriminate and that they will permit ROTC recruiters and ROTC training programs on campus.

Today, as our Nation calls for able new leaders in the war on terror, it is time for our universities and our colleges in America to honor that call and help lead our Nation.

Mr. Speaker, I thank the gentleman from Alabama (Mr. ROGERS) for bringing this important legislation to the floor.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I think it is unfortunate that the discussion here has gone off in directions about what constitutes patriotism or what constitutes the proper recognition of the defense of democracy, because that is how all this argument started.

Mr. Speaker, I want to indicate to the Members that this issue deserves a full discussion and not just on the floor. We would not be here and there would not be a motion to recommit, which will be made shortly, I can assure you, if we had a full discussion about this and then had gone, probably where it should have gone, to the Committee on the Judiciary, if it needed to go at all, or a decision could have been made as to whether that was the proper venue.

I, too, can have recollections about what happened during Vietnam. I daresay that a lot of people on the floor, Members of this Congress, were not involved in any of that. I know what the first amendment is all about, and I do not think the first amendment says that the Secretary of Defense gets to decide what other people get to say or do in this country under threat of some kind of sanction. To the degree or extent that someone is prevented access that they are entitled to, they have recourse in the courts. That is what we do in a democracy.

I do not notice that it is our job, certainly not in the Committee on Armed Services, to turn over to the Secretary of Defense, any Secretary of Defense, the opportunity to be a prosecutor and a judge and a jury and a sheriff all at the same time.

Now, the facts are, as to the origin of this argument today, that there apparently have been instances in which people disagreed, apparently in some law schools in particular, disagreed with the ''don't ask/don't tell policy'' of the United States Armed Forces. This has nothing to do with what people said or did not say about the Vietnam War. It has nothing to do with what any particular Member's view of that American involvement in the Vietnam war was, let alone the war on terror or anything else. What it has to do is with the present policy, whether you agree with it or not, with the armed services.

Now, if the Armed Services say they want equal access, what was being said apparently by the people at these various schools was that they did not have equal access to being able to join the Armed Services or the Department of Homeland Security, I suppose, or the CIA. Now that needs to be discussed, and it is not going to be discussed in 3 minutes or 5 minutes or 2 minutes here on the floor. It is not even going to come up.

Now I could not find the proper way to make a motion to try to get this before the Committee on the Judiciary so we could have a discussion on what the proper sanctions might be, if they were needed at all, with respect to gaining access for the ROTC or anybody else that want to recruit. I am in favor of that. Those of us who oppose this bill are in favor of it.

□ 1700

I resent on proper grounds here in the House being categorized as someone who somehow wants to thwart the war on terrorism or does not have the correct view on the Vietnam War because I am trying to defend the first amendment and because I would like to see these discussions held in a manner and in a place and in a venue which is appropriate to the circumstances. We need to talk about such issues as to whether everybody in this country is going to be treated equally with respect to being able to join the military

or participate in the Department of Homeland Security or defend our security interests through the CIA and whether they can be hired on the basis of their ability and what they have to offer rather than on what they look like or what their sexual orientation is or anything else. This is not the bill to do it, and it is certainly not the Secretary of Defense who should be doing it.

So what I am asking here is that the Members try to exercise some common sense, some common legislative sense, give us an opportunity to take up this serious issue, which does need addressing, and address it in a manner that will resolve it under constitutional methodology that is worthy of this body.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the author of the bill for yielding me this time.

Just to respond to the preceding speaker, the gentleman from Hawaii, this is not about telling people what to think or what to say. It is about giving students freedom of choice. This is all about whether or not students have access on campus. At Harvard, the undergraduate council voted overwhelmingly to invite ROTC back on to campus, but the school has taken no action. So it is the students who are being shortchanged.

As to whether this is completely unrelated to Vietnam, I will state that that is just wrong as a matter of fact. This ban at Harvard University, where I am a former member of the faculty, I am reasonably familiar with this, and a graduate of two schools at Harvard, in 1969 at Harvard, the faculty voted to ban the military from campus in protest to the Vietnam War and that ban has been in place ever since. My contention is that 9/11 should serve as a wakeup call, welcome to the 21st century. Let us revisit this, and get it back to where it belongs.

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

Mr. COX. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. I do not dispute that. We did not dispute it in committee. When the issue was raised in committee, what I said is that this issue does need to be resolved so that access is possible, ''Is this the best way to do it?'' Inasmuch as we had to make a decision on the spot, my contention was, and I believe many of us who are forced now, we are forced because the bill is on the floor under a closed rule, I have no choice but to try and oppose it.

Mr. COX. I appreciate the gentleman's point, and reclaiming what little time I have, I will just say simply that we have students who are going to graduate. This has been going on for some years. 9/11 was a few years ago. At Yale where the school is happy to cash the ROTC scholarship checks, the Yale students have to travel 75 miles to the University of Connecticut and then 75 miles back, 150-mile round trip, they have to do this three times a week. It is an extraordinary burden to place just so that the university can make a point that joining the military is not what we want our students to do.

Mr. SKELTON. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I accept everything that the gentleman just said. It is making my point. The reason this bill is on the floor is because the courts ruled that the Secretary of Defense had no basis for making this decision. That is the reason the bill is on the floor.

I realize a lot of Members and their staffs are listening to this discussion in their offices, and they cannot be on the floor because they have other duties; but I am asking them to pay attention to why the bill is on the floor. This bill gives the Secretary of Defense the basis. We are creating another problem instead of solving the problem which is really before us, which is access for ROTC and/or military and other recruiters. If Harvard or any other school is preventing them from coming on, is there no access to the courts? You mean no law exists in the United States to allow people to have proper access? Of course it exists.

The reason for this bill is to make the Secretary of Defense the arbiter of how this is going to take place, even up to the point of getting certification from the school that the Secretary of Defense is satisfied that equal access, et cetera, is going to be provided.

My point is that we are doing this all wrong. If we really want to solve this issue of openness and access and discussion that needs to be taking place and to have the ROTC or the CIA or the Homeland Security Department or whoever it is have access and dialogue and discussion on a civilized basis as to how it should take place, that is available to us. This is not the way to do it. This bill merely enables the Secretary of Defense to be judge and jury over that process, and it will generate a whole new slew of lawsuits that will not solve the question nor even address the question that is before us as to how do we achieve this access. I want that access.

I think it is very unfortunate that the bill is being posited to the body in such a manner that those of us who oppose it seem to be in favor of terrorism or approving arbitrary dislocation of legitimate endeavors to recruit for the ROTC or anybody else. That is not true. On the contrary, I raised the issue in the Committee on Armed Services precisely on the point that I am a libertarian on the issue of free speech and access, and I believe everybody should engage in dialogue and confrontation of the issues in a positive way that gives everybody a chance.

The reason the argument takes place in the first place is that people who are defending those who are prevented from having access to the armed services, apparently those who are gay or lesbian or transgender or whatever other category we are getting into these days, I cannot keep up with every permutation that apparently exists in terms of gender and sexual orientation, but that is not a reason to make the Secretary of Defense the arbiter of it. I do not think, despite his great wit and great perception and depth of interest in world history and events, that the Secretary of Defense is necessarily up on all the latest in transgender fashions. And so I do not think that this is a proper forum nor a proper venue to try and resolve this issue.

My request, Mr. Speaker, of the body is that we give a chance for a motion to recommit to be made so that we can address the issue of access as opposed to addressing the issue which the bill moves toward giving a basis for the Secretary of Defense to make this decision. Let us not confuse the access apple with the orange of the first amendment of the Constitution.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. HUNTER), chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for his sponsorship of this bill and also the gentleman from California (Mr. COX) for doing so much work on it, but also just to comment that this is not just for the recruiters, that people go to institutions of higher education to avail themselves of thousands of choices for career paths. As we think about the officer corps that is performing right now in theater in Iraq, for example, and we look at the leadership which not only has fought a war and now is working an occupation but is also standing up governments, people who have never talked, who have never voted together, who have never worked things out in a peaceful fashion, bringing them together and standing up governments and introducing the idea of democracy to those who have not entertained it before, that is an exciting occupation. Bringing the prospects for that occupation to be a leader in the Armed Forces of the United States, to be what most American citizens feel are our finest citizens, is a great opportunity. This bill, the Rogers bill, will ensure that those people have that choice. I thank the gentleman for bringing it up.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. Mr. Speaker, I want to commend the gentleman from Alabama. I rise in support of H.R. 3966. This bill is about the war on terror. It is about the obligation that we have to sustain a viable Armed Forces. It is my understanding that the judge in the

FAIR case did not disagree with the Secretary of Defense's obligation to build up our Armed Forces and did not disagree that there should be equal access and treatment of our recruiters, but I think that the findings were that there was not explicit statutory direction or authorization to do so, and that is why we are here.

As the gentleman from California previously stated, this is about abandoning the Vietnam-era rejection of the values associated with service in the military. I find it ironic. There is a lot of discussion today on the floor about these institutions of higher learning that enjoy such a worldwide reputation and a lot of talk about their enjoyment of their freedom of expression and protection of free speech, and at the same time what they are doing is trying to advocate a specific position and denying choice to our students. I commend the gentleman and urge the passage of this bill.

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

Mr. WILSON of South Carolina. Mr. Speaker, it is an honor for me to be here today with the gentleman from Alabama. I appreciate very much his leadership to promote the ROTC and Military Recruiter Equal Access to Campus Act of 2004. I have heard the comments by the distinguished chairman of the Committee on Armed Services, the gentleman from California; and I agree with him that this is about providing choices. It is also about providing opportunities.

I know firsthand. I had the opportunity to experience a career of 4 years of ROTC at Washington & Lee University in Lexington, Virginia. From that it led to my ability to serve in the National Guard for 31 years. I am very grateful for what ROTC did for me. Additionally, my oldest son is a graduate of Francis Marion University in Florence, South Carolina, ROTC. He went on to law school and now is serving in Iraq. I am very proud of his service because of ROTC and the opportunities it has provided. And in 5 weeks I am looking forward to attending the graduation of my third son from Clemson University. He is in Army ROTC, as one might expect. I am just really proud of his service and the opportunities that he will have to serve in the military.

I also am aware of opportunities for minorities in the State of South Carolina. A classic case is someone who is known here in Congress, General Abe Turner. General Turner is a graduate of South Carolina State University, which is one of our historically black colleges which is very distinguished. I was with General Turner. He is now the commanding general of Fort Jackson in South Carolina. These are opportunities that have been provided to young people to go to college and have the ROTC experience.

Finally, I want to point out that particularly for law schools, I think it is important to have access. I served in the Judge Advocate General Corps for 29 years. There is no better way to get trial experience, to learn about the law and the laws of the United States than to serve in the JAG Corps. I urge that this bill be passed, that indeed we have access for law schools. I am just grateful for this and urge my colleagues to support this act for ROTC recruitment.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), who is a member of the Committee on Armed Services.

Mr. MEEHAN. I thank the gentleman for yielding me this time.

Mr. Speaker, this bill was rammed through the Committee on Armed Services 2 weeks ago without a single hearing. Without a single hearing. I guess it should not be a surprise because it seems that time and time again the leadership has forced votes on the floor without holding committee hearings. We did not have a committee hearing on the bill with the Medicare prescription drug language that came before this Congress, so I guess it should not be a surprise that we did not have a hearing on this particular piece of legislation.

This bill is designed to force universities to violate their own policies against discrimination on the basis of sexual orientation and will undermine pending lawsuits that challenge the so-called Solomon amendment.

We all strongly support efforts of the United States military to recruit on our Nation's campuses, especially in a time of war. But the gentleman from Alabama would agree at the time that we debated this in committee, only one educational institution in the country was brought before us that denies access to military recruiters and that school received no Federal funding to begin with. Furthermore, every campus on which the Department of Defense elects to have ROTC currently has an ROTC presence.

□ 1715

This is because universities are already forced to compromise their non-discrimination policies in order to receive most of the Federal funding they compete to obtain under the Solomon amendment.

So why are we introducing a bill that would broadly expand the prohibition on Federal funding to schools that do not allow access to military recruiters when only one institution, at least at the time that we dealt with this bill that was available, that prohibited this? I have serious concerns about restricting additional funding such as grants for homeland security, intelligence programs to universities, particularly when the authority to define ''equal access'' lies solely in the hands of the Secretary of Defense.

This bill is a drastic solution to a problem that I do not think even exists. In fact, there is no crisis in military recruiting on student campuses or anywhere else in the country. The Defense Department has reported to our committee that they are exceeding all of its recruitment and retention goals in each of the active duty services since 2001 and is actively downsizing certain specialties requiring advanced degrees.

In 2003, the Army surpassed its recruiting objectives for new contracts by 9.1 percent and new recruits by 0.4 percent, while the quality of new recruits have increased dramatically.

So if we are going to pass such a drastic piece of legislation, it seems to me we should at least have a hearing, have an opportunity to debate. I thought the gentleman from Hawaii said it best in committee. It is like trying to deal with a little problem of a fly with a sledgehammer. It does not make any sense. We should send this bill back into the committee and have a hearing on it and discuss these issues so that we know what the consequences of the language in this bill are.

Mr. ROGERS of Alabama. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

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

This bill attempts to correct a situation wherein a military ROTC recruiter seeking access would, in essence, be sent to the basement or to another building where corporations such as General Motors and the like recruiting would have the first floor and easy availability to the young Americans. So I do support this bill, and I intend to vote in favor thereof.

Mr. STARK. Mr. Speaker, I rise in opposition to the ROTC Campus Access Act. This bill is wrong. It isn't about promoting military recruiting, its about punishing institutions that promote equal access to opportunity.

The fact is this bill will prohibit colleges and universities from applying their same non-discrimination policies to the military that they apply to other employers. And, if they try to do so, it will bar them from receiving federal funding.

Passage of this legislation is not only wrong, it's unnecessary. Current law already provides the federal government the ability to deny federal funding to colleges and universities that refuse to allow military recruiters or ROTC programs access to their campuses.

This bill takes that law a step further by requiring that such access be equal to the access provided to other potential employers seeking to recruit new employees on college campuses.

The problem with taking this extra step is that it would require many colleges and universities to explicitly ignore their own non-discrimination policies or lose their federal funding.

Many colleges and universities require employers to sign a non-discrimination pledge before they recruit on campus. That means employers cannot discriminate against prospective employees on many bases—including sexual orientation. Yet, our Military's ''don't ask, don't tell'' policy is straight-forward discrimination and in direct conflict with college policies of this nature.

If this bill becomes law, and a college or university attempted to downplay the

prominence of the ROTC recruiting effort by placing them in a not-so-central location for their recruiting efforts, they could lose all federal funding. This is draconian, extreme, and wrong.

We ought to be voting today to overturn the military's don't ask don't tell policy and instituting a policy that prohibits discrimination based on sexual orientation. But, this Congress is unwilling to take the right step. They're putting the wrong foot forward on this one.

I urge my colleagues to join me in standing up to oppose discrimination and vote ''no'' on this bill.

Mr. BLUMENAUER. Mr. Speaker, I voted against this legislation as it does not seem fair to cut off federal funds to institutions that have policies against allowing recruiters on campus from employers that have an open policy of discrimination. We should not be punishing universities that have legitimate policy differences. As long as the military continues its ill-advised policy of prohibiting service by openly gay members (although it's interesting that, in times of war, gays and lesbians are considered valuable to our country and not forced out of the military) we should not force them to break their non-discrimination policies for the military.

Mr. BOEHNER. Mr. Speaker, I rise today in strong support of this measure, which shows our Nation's unwavering commitment to both higher education and providing a strong national defense. At no time in recent memory has the United States placed more responsibility on our men and women in uniform. We are fighting a war on terrorism on multiple fronts, in Afghanistan and Iraq, and it is essential, if we are to be victorious in defending our freedom and protecting our homeland, that we promote military service as an option to college students across the U.S.

It is important to acknowledge that when this Congress passed, and President Bush signed into law, the No Child Left Behind Act, the bill made it easier for military recruiters to inform America's high school students about their options to serve their country, while also giving parents a choice about whether or not they want their sons and daughters to be contacted individually by military recruiters.

Now, in the ROTC and Military Recruiter Equal Access to Campus Act, again we are giving choices to institutions of higher education. The Solomon Act, passed in 1996, grants the Secretary of Defense power to deny federal funding to institutions of higher learning if they prohibit or prevent ROTC or military recruitment on campus. This law recognizes the importance of having a capable, educated and well-prepared military—one that is ready to defend American liberties such as freedom of speech and higher education.

As the gentleman from Georgia (Mr. ISAKSON) and I wrote in a letter to colleagues last year, if we deny armed forces recruiters the opportunity to actively recruit in schools, we not only disrespect the sacrifices of military men and women who have made our freedom possible—we also rob our students of the valuable opportunities that military service to our Nation can provide. There is no reason to not allow our Nation's armed forces to make their best case to college students and to do so in the same fashion as many of the private sector employers colleges and universities seem to relish having on campus with equivocation.

Denial of access and equality to ROTC chapters and military recruiters by colleges that receive federal funds is an insult to the taxpayers in our 50 states who help subsidize higher education in this country. Many nations have mandatory military service for their citizens. We don't. The very core of our system of homeland security and national defense depends on young men and women deciding, on their own volition, that they wish to serve their country. Successful recruitment of the best officers in our military relies heavily on the Reserve Officer Training Corps.

In 2003, ROTC produced 70 percent of the newly-commissioned officers who entered the U.S. Army, allowing military recruiters to be barred from federally-funded campuses could have direct consequences for our national security. As the UCLAW Veterans Society said in a recent legal brief: ''A shortage of military lawyers would affect military commanders' ability to train their soldiers on the law of war,'' and ''a lack of military lawyers could increase the likelihood of law of war violations soldiers and unacceptable civilian collateral damage during military operations.''

This measure should not be politicized. It is straight-forward and benefits both our students and armed forces. H.R. 3966 does not violate a college's Constitutional rights to free speech or protest. Congress doesn't force colleges and universities to accept federal funding. If an institution of higher-learning wishes to bar ROTC chapters from forming or military recruiters from recruiting, it is free to do so—but it should not expect that decision to be endorsed and subsidized by the taxpayers of the United States. This legislation reaffirms our commitment to that principle. I commend the gentleman from Alabama (Mr. ROGERS) for offering it, and I urge my colleagues to join me in supporting it.

Mr. FARR. Mr. Speaker, the bill we are debating today, H.R. 3966, purports to provide military recruiters entry to college campuses, and access to students that is equal to what any other employer has. However, the military is actually seeking special access that is not afforded to other employers that practice discrimination based on sexual orientation.

Equality was not a concern for the military in 2002 when they discharged 16 Arabic linguists from the Defense Language Institute in my district. Despite the high demand for Arab linguists, the military discriminated against these service members based on nothing more than their sexual orientation.

Schools should not be forced to choose between federal funding and their commitment not to endorse discrimination. The schools' standards of non-discrimination should apply to any organization, be it private sector or public that is seeking access to a campus and its students.

One of the Congressional findings that is incorporated in this bill states that ''the presence of ROTC programs on college campuses benefits even those students who are not enrolled by making them aware of the presence and role of the United States military.''

I wonder what the benefit is to the gay and lesbian students whose talents and skills are utterly disregarded by the military, simply because of their sexual orientation.

I encourage all of my colleagues to vote against this bill and for true equality.

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

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

The SPEAKER pro tempore (Mr. BASS). All time for debate has expired.

Pursuant to House Resolution 580, the previous question is ordered on the bill, as amended.

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.

MOTION TO RECOMMIT BY MR. ABERCROMBIE

Mr. ABERCROMBIE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ABERCROMBIE. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. ABERCROMBIE moves to recommit the bill H.R. 3966 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

Page 7, line 7, before the close quotes insert the following: '', determined, in the case of a law school, by the Association of American Law Schools, and, in the case of any other institution of higher education (or subelement thereof), by the appropriate regional accrediting entity''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes in support of his motion.

Mr. ABERCROMBIE. Mr. Speaker, as was indicated by the gentleman from Massachusetts (Mr. MEEHAN), the previous speaker, I think all we would like to have here and the reason for recommittal motion is to have some hearings. As the chairman, and I do not if he is still on the floor or not, the chairman of the Committee on Armed Services Committee knows, I have the greatest respect for him and the greatest respect for the bipartisanship that exists on the Committee on Armed Services.

The issue here and the only reason this bill is on the floor is that a court determined that the Secretary of Defense did not have a basis in law for being able to make some of the kinds of decisions which the bill in front of us allows the Secretary to make. The issue involved here is one of access. It is one of equal treatment. The arguments of whether one accepts them or do not accept them have been made that the armed services, I suppose by extension of the bill, the Department of Homeland Security, the CIA, are not allowing equal access to every American and at least in some instances on the basis of their sexual orientation. There may be other issues that are raised in that regard, too. That is worthy of discussion, surely. Whether or not then this bill constitutes a proper response to that difficulty to the degree that it exists is the issue.

The reason I am asking for a vote on recommittal with instructions is not

because I oppose or anyone else, I believe, opposes equal access either for recruitment purposes or other purposes of discussion and dialogue but rather that this bill does not address that fundamental issue and, in fact, will only engender a new series of lawsuits and it will fail to accomplish that which is really the bottom-line, fundamental issue here before us, which is how do we appropriately address the first amendment in the context of recruitment, whether it is for a Federal Government agency of any kind, let alone whether or not the Secretary of Defense should be the arbiter in that regard.

So, Mr. Speaker, with that I am asking that the body vote to recommit with instructions so that we can properly address this serious issue.

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

The SPEAKER pro tempore. Does the gentleman from Alabama (Mr. ROGERS) wish to control the time in opposition to the motion to recommit?

Mr. ROGERS of Alabama. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. ROGERS) is recognized for 5 minutes.

Mr. ROGERS of Alabama. Mr. Speaker, I rise in strong opposition to the motion to recommit.

This motion is simply an effort to empower those who would oppose fair access to military recruiters to our colleges and universities with the authority to treat recruiters as second-class citizens.

H.R. 3966 would ensure nothing more than fair and equal treatment of recruiters. This amendment would put the fox in the hen house, so to speak, by giving the Association of American Law Schools the authority to judge if the recruiter has been provided equal treatment with other employers. This is the very group which has fostered the attitude among law schools to resist compliance with the law. We, the Congress, must make the decision, not the people who would oppose any form of military presence on campus. It is up to Congress to decide the level of access that should be granted. We must reject this motion.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

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.

RECORDED VOTE

Mr. ABERCROMBIE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on passage will be followed by two 5-minute votes on motions to suspend the rules considered earlier today:

H.R. 3104, by the yeas and nays;

H. Con. Res. 386, by the yeas and nays.

The vote was taken by electronic device, and there were—ayes 343, noes 81, not voting 9, as follows:

[Roll No. 101]

AYES—343

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
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)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—81

Abercrombie
Ackerman
Baldwin
Becerra
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Clay
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Emanuel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Jackson (IL)
Kucinich
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Sensenbrenner
Serrano
Solis
Stark
Thompson (CA)
Tierney
Velázquez
Waters
Watson
Watt
Weiner
Wexler
Woolsey

NOT VOTING—9

DeMint
Gephardt
Gutknecht
Hulshof
Jones (OH)
Linder
Rodriguez
Tanner
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1748

Messrs. HONDA, FATTAH, BLUMENAUER, HOLT, CLAY, GUTIERREZ, and RANGEL changed their vote from ''aye'' to ''no.''

Mr. PETRI and Mr. INSLEE changed their vote from ''no'' to ''aye.''

So the bill 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 10, United States Code, to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in

Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3966.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3104, by the yeas and nays; and

H. Con. Res. 386, by the yeas and nays.

ESTABLISHING CAMPAIGN MEDALS TO BE AWARDED TO MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3104, 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 Connecticut (Mr. SIMMONS) that the House suspend the rules and pass the bill, H.R. 3104, 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 423, nays 0, not voting 10, as follows:

[Roll No. 102]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
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
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
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)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
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
McCotter
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
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
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)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Cox
DeMint
Gephardt
Gutknecht
Hulshof
Jones (OH)
Lantos
Rodriguez
Tanner
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1756

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 provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom.''.

A motion to reconsider was laid on the table.

CONGRATULATING THE UNITED STATES AIR FORCE ACADEMY ON ITS 50TH ANNIVERSARY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 386.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Mrs. WILSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 386, 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 420, nays 0, not voting 13, as follows:

[Roll No. 103]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
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
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
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)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
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)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
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)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

DeMint
Gephardt
Gutknecht
Hulshof
Jones (OH)
Matsui
Murphy
Northup
Rodriguez
Rogers (AL)
Tancredo
Tanner
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1804

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 581, SENSE OF HOUSE REGARDING RULES OF COMPENSATION FOR CIVILIAN EMPLOYEES AND MEMBERS OF THE UNIFORMED SERVICES OF THE UNITED STATES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–454) on the resolution (H. Res. 585) providing for consideration of the resolution (H. Res. 581) expressing the sense of the House of Representative regarding rates of compensation for civilian employees and members of the uniformed services of the United States, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3550, TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. DREIER. I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of H.R. 3550, and that consideration of the bill proceed according to the following order:

The first reading of the bill is dispensed with;

All points of order against consideration of the bill are waived;

General debate shall not exceed 2 hours and 40 minutes with 2 hours and 10 minutes equally divided and controlled by the chairman and ranking member of the Committee on Transportation and Infrastructure, including a final period of 10 minutes following consideration of the bill for amendment, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means;

After the initial period of general debate, the Committee of the Whole shall rise without motion; and,

No further consideration of H.R. 3550 shall be in order except pursuant to a subsequent order of the House.

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

There was no objection.

REFUSAL OF THE HOUSE TO EXTEND UNEMPLOYMENT COMPENSATION BENEFITS

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

Mr. BROWN of Ohio. Mr. Speaker, the House of Representatives again today refused to extend unemployment compensation benefits. Almost 1 million Americans since December have lost have seen their unemployment benefits expire. That is 1 million people. That is 1 million families, people who are looking for work, people who cannot find work in this economy.

In my state of Ohio, 300,000 people have lost their jobs. That is 2,000 people every week. Two hundred and sixty people have lost their jobs every single day of the Bush administration.

Their answer is more tax cuts for the wealthy, hoping it trickles down, and more trade agreements that hemorrhage jobs overseas.

We should extend unemployment compensation benefits to those 1 million workers. We should pass Crane-Rangel, a bipartisan initiative to give incentives to American manufacturers to hire Americans and to manufacture in this country.

COMMUNICATION FROM THE DIRECTOR, OFFICE OF PERSONNEL AND BENEFITS, OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore (Mr. KLINE) laid before the House the following communication from Estelle Jones, Office of Personnel and Benefits, Office of the Chief Administrative Officer.

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 29, 2004.

Hon. DENNIS J. HASTERT,
Speaker, U.S. House of Representatives, Washington, DC

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Superior Court of California, Riverside County.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

ESTELLE JONES,
Director, Officer of Personnel and Benefits.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TALE OF TWO BUDGETS

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, the House is on the verge of passing a $2.3 trillion budget with a $521 billion deficit, showing that it is impossible to finance three wars with three tax cuts and come up with a different result outside of a $521 billion hole in the budget.

This budget repeats the same mistakes that have resulted in a jobless economy and a wage recession in America. It continues the status quo of the administration's economic policies that have resulted in nearly 3 million Americans losing their jobs, 43 million Americans without health care, of which 33 million Americans work but have no health care, and 2 million Americans who used to be part of the middle-class and now are in the level of poverty, and wages are frozen, and $1 trillion worth of corporate assets and individual net worth have been called into bankruptcies.

What do you do when have you this type of economic results? You think you would change your economic policies. No. This budget puts your foot on the accelerator, expecting a different result but repeating the same economic mismanagement.

During the 2000 election, President Bush said he was opposed to nation-building. Who knew it was America he was talking about? This budget and the President's economic vision is really a tale of two budgets: one for America, and one for Iraq.

We have spent well over $100 billion of the taxpayers' money on Iraq's occupation. But here in America, we have gotten shortchanged. What do I mean by that?

In Iraq, we are offering universal health care and free job training. In America, 44 million Americans are without health care; and nearly 8.2 million Americans are without jobs.

In the area of health care, 2,200 Iraqis are receiving and health professionals are receiving training, 8,000 volunteers are receiving medical training; and in America, under the President's budget, the health training funds cut by 64 percent.

One hundred and fifty health clinics and hospitals have been rebuilt to serve 3 million Iraqis, providing 100 percent prenatal and infant coverage. In America, under the President's budget, community health care clinics have been cut by 91 percent. Maternal and child health care, Healthy Start, family planning, all frozen.

Veterans, $60 million is spent to retrain Iraqi veterans; and our veterans budget has been gutted by $257 million. Veterans health care has been cut to where every veterans organization has opposed the President's budget and the budget passed here by the Republicans.

In the area of education, we have rebuilt 2,300 schools in Iraq. We have underfunded No Child Left Behind by $8 billion.

Iraqi universities are getting $20 million for higher ed partnerships. In America, we have cut Perkins loans; and Pell Grants have been frozen for the last 3 years.

Police. $500 million is spent on the Iraqi police training, but the community police program in the United States has been cut by $659 million.

In the area of housing, $470 million is spent on Iraqi housing, yet $791 million is cut from section 8 housing vouchers.

In the area of environment, we are paying for $3.6 billion in water and sewer treatment facilities in Iraq. Here in America, in the President's budget, the Clean Water State Revolving Fund, which deals with all our clean water and drinking water for Americans, has been cut by $500 million.

Ports infrastructure. The Port of Umm Qasar was completely rebuilt, and yet the Army Corps of Engineers cannot afford U.S. port security upgrades since their budget has been cut by 63 percent.

As President Bush seeks reelection, he can say he kept his commitment against nation-building. The problem is the target was America.

This is a tale of two budgets, one for America and one for Iraq; two priorities, one for America and one for Iraq; two sets of values, one for America, one for Iraq; and two sets of books, one for Iraq, one for America.

I have no problem investing in Iraq's future, but that future cannot be a more promising future than the one we promise here for our own children. Compared to how Americans view their futures, we cannot deny Americans the same dreams of affordable health care, education, police on the street, a safe place to live and job training.

America will no longer be the most generous nation in the world if the future they promise their children is one that is less promising than one we are talking about overseas.

Now if your economic results here at home were nearly 3 million Americans have lost their jobs, nearly $3 trillion has been added to the Nation's deficit in 3 years of budget, you would think you would change your economic policies. No. So what we will do is put our foot on the accelerator and press forward try and expect a different result, having tried 3 years in a row and producing the same result. We need a change and a new direction of the budget values and America's future.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

MEDICARE MODERNIZATION ACT

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

Mr. CANTOR. Mr. Speaker, I am here tonight to talk about the Medicare Modernization Act, the reform bill that was passed by this body back in December.

I think the first question to ask is, who remembers what they were driving in 1960 or perhaps what a parent was driving in 1960? One of the most popular cars at that time was a Rambler; and if one thinks about the options available and the safety features in that car, we would really be amazed at how far we have come. There were no seat belts. There were no air bags. There were no GPS systems. There was just a lot different with vehicular travel back then.

And I think it is a wonderful analogy to think about when we are talking about health care in this country. Because Medicare in its inception in the 1960s really has changed very little over the years; and what we have is a situation where our seniors are faced with the same type of options, the same menu of services that they have had over the last 40 years. That is why we needed to pass the Medicare reform bill, and that we did.

The bill provides, I think, seniors with access to choices in health care, with easier access to health care, and it also provides immediate relief for the rising need for access in prescription drugs.

□ 1815

Under the Medicare Modernization Act, seniors have a choice. First of all, when we are talking about the prescription drug program, that program is completely voluntary.

It is voluntary, and seniors in my district, some of whom have existing coverage, will not have to participate in the program. It is not a one-size-fits-

all-type program. The design of the bill is to give seniors choices to better fit their families' needs as far as prescription drugs are concerned. So seniors have a choice whether they are going to sign up for the prescription drug coverage.

Also, if you look at the larger body of the bill and look at the choices that the seniors will have, they can actually now have a choice of the type of health insurance coverage that they access. Much like we do here in Congress, they have a decision to make about which plan bests fit their medical need. It puts seniors back into the driver's seat.

One of the, I think, most interesting parts of the bill is we really tried to improve the quality of health care that seniors can receive, much like many in the private sector enjoy today, much like we here as Members of Congress enjoy. We enjoy improved quality of care through accessing preemptive health care screenings. So in the Medicare bill, we included new screenings, diabetic screenings, blood screenings to detect cardiovascular disease. These are tests that are indicative of disease and have a broad array of applications. Medicare participants will now have access to these screenings.

Also, we put in a provision for a free physical for the new entrants to Medicare. There is also now a provision which allows seniors to access a disease management function. I know a lot of us know senior citizens who deal with a lot of specialists, and sometimes those specialists do not talk to one another. Well, this disease management function, while voluntary and optional, will and may help many of our senior citizens.

Also in the Medicare Modernization Act, we try to deal with the very pressing problem of low-income seniors, and we gave help to those who need it; and any senior who falls within 135 percent of the poverty level will now pay very little as far as their health care coverage and certainly as far as prescription drugs. Essentially, their drug bills will be eliminated.

I think the final version of this bill did include a provision which allowed for the creation of health savings accounts, I think something that is revolutionary and will, once again, put the spotlight back on the doctor/patient relationship and putting the seniors back into the driver's seat as far as which type of health care that they can access, and it also ensures that the seniors themselves can make their medical decisions without the intervention of a third party that may not be familiar with the particular health of that senior.

So, Mr. Speaker, I am here tonight to make sure that we in this body realize that we have gone and taken the first step toward modernizing health care for seniors. We have given them choice. We have given them hope for a discount on their prescription drug bills. This June, there will be the introduction of discount cards that will afford seniors up to 50 percent of a discount on the cost of prescription drugs. So there is immediate relief that our seniors across the Nation will experience.

MEDICARE PRESCRIPTION DRUG BILL

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

Mr. BROWN of Ohio. Mr. Speaker, I came here tonight to talk about jobs and mismanagement of our budget and economy by the President, but we are going to have a moment's discussion on the previous speaker outlining the Medicare bill.

The fact is the prescription drug, Medicare privatization bill is not working for seniors, and it begs the question, why is the administration spending 80 million of our tax dollars to advertise this bill to try to get seniors convinced that this law works, and it does not even go into effect until 2006? The President has made a decision to spend 80 million tax dollars, instead of putting it into a drug benefit, spend 80 million tax dollars to convince people that this new drug law, this new Medicare privatization law is good for the public, when, in fact, the Medicare privatization bill increases the profits for drug companies in this country by almost $180 billion; and this drug bill, this privatization bill gives a direct subsidy of tax dollars to insurance companies to Medicare HMOs of $46 billion.

The reason the bill is not popular, the reason the law is not going to work is it was written by the drug and insurance industries. Why did the drug and insurance industries write the bill? Why did the President allow the drug companies and the insurance companies into the Oval Office to write this privatization bill? Frankly, because of major political contributions from the drug companies and the insurance companies to President Bush and to Republican leadership.

The word on the street in this town is that the drug companies are going to give $100 million to President Bush's reelection. If that does not tell you something about this drug bill, this Medicare privatization bill, it speaks volumes.

JOBS AND MISMANAGEMENT OF THE BUDGET AND ECONOMY BY THE PRESIDENT

Mr. BROWN of Ohio. Mr. Speaker, to shift gears for a moment, Vice President CHENEY came to my State, to Dayton, Ohio, to defend the President's economic record. In Ohio, one out of six manufacturing jobs has been lost since President Bush took office; 300,000 people in Ohio have lost their jobs. That is 2,000 people every week. That is 260 Ohioans have lost their jobs every day since President Bush took the oath of office on January 20, 2001.

The response to this bad news from the President and the Vice President, who seem so out of touch, do not seem to understand people's anxieties, people's fears, people's difficulties when they lose their jobs, their answer is always more tax cuts for the most privileged people in society, the 1 percent richest people, hoping the tax cuts will trickle down and help the rest of the country and more trade agreements that send jobs overseas.

Mr. Speaker, I would hope that instead of Vice President CHENEY going to a fundraiser in Dayton, like he did, and then trying to defend the Bush economic plan, pretty indefensible, difficult thing to do, I wish the Vice President would have been with me in Akron, about 3 weeks ago in my district, meeting with a group of mostly Republican business owners, machine shop owners in Akron in Summit County, Ohio.

Right before I spoke to these 60 owner/operators of small machine shops, tool and dye makers and others, a gentleman walked up and put this stack of fliers on my table, a little bit more than this actually. He said this is 1 month of fliers that he has received from companies around the country that are going out of business. These are fire sale fliers from small businesses, manufacturers that are going out of business because of the Bush economic plan and because of the Bush budget.

Let me just show you some of these. A company in Cleveland, Ohio, auction, going out of business; company in Norristown, Pennsylvania, public auction; public auction company in Nashua, New Hampshire; machine tool auction, Tipp City, north of Dayton, Ohio; facility closed, all must go, Medina, Ohio; absolute auction, Cuyahoga Falls, Ohio, everything must go; plant closed, everything sells, Pittsburgh, Pennsylvania; Marion, Ohio, complete shop close-out action; high-tech manufacturing plant closeout, Elk Grove, Illinois, near Chicago; large-capacity fabricating machine shop closing, Bingham, Massachusetts; precision shop, CNC job shop downsizing, Houston, Texas, President's own State; complete stamping and machine tool shops, two of them going out of business, Mansfield, Ohio, the community I grew up in; public auction, Charlotte, North Carolina, everything must sell, plant closes; South El Monte, California, facility closing; public auction, Newark, New York. One thing after another.

The President does not get it. We should extend unemployment benefits. We should pass the bipartisan Crane-Rangel bill, which will give incentives, not the way the President does to all large companies including those that are moving out of the country, but those that provide jobs in the United States of America. This simply cannot keep happening in our country.

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.)

ORDER OF BUSINESS

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

OUTSOURCING AND FREE TRADE

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

Mr. HENSARLING. Mr. Speaker, recently there has been a great deal of discussion, angst and some protectionist legislation concerning the so-called outsourcing of American jobs to foreign countries. In fact, companies choosing to purchase services abroad have been termed ''Benedict Arnold'' companies by some.

But despite all the inflammatory language and distorted facts, the truth is that outsourcing is only one side of a two-way street known as free trade. Almost one-third of our economy is dependent upon that two-way street. Thus, we should examine the little-noticed other side of the street called insourcing.

Data from the Commerce Department shows that during 2003, the U.S. posted a $53 billion surplus, surplus, in trade and private services with the rest of the world. We outsourced $77 billion in services overseas, but foreigners turned around and insourced $130 billion of services from the U.S. In other words, foreigners demand more of our services than we demand of theirs.

Unfortunately, Americans are presently hearing only one side of the outsourcing story. They only hear about the jobs that are going out of the U.S. They do not hear anything about the jobs coming into the U.S.

According to the Treasury Department, insourcing accounted for 6.4 million jobs nationwide in the most recent survey; and these insource jobs paid 16½ percent more than the average domestic job. Even though many foreign workers work for less, jobs are insourced into the U.S. because our workers tend to be better educated. They tend to have better skills. They tend to be more productive. We can compete internationally.

If you want to get a better idea of the kind of insourcing coming to America, let us just take a look at the automobile industry. Honda is hiring 2,000 new Americans in Alabama to build SUVs, and Nissan will add more than 2,000 jobs by expanding their plants in Tennessee and Mississippi. Toyota will add 2,700 jobs in my home State of Texas in the next 2 years. In fact, Mr. Speaker, foreign corporations now employ almost half a million workers in my home State. Nearly one in 10 jobs in the U.S. is directly linked to the export of U.S. goods and services.

Now, protectionist anti-outsourcing legislation unfortunately threatens each and every one of these jobs. If we do not permit the outsourcing of jobs overseas, other nations will not permit the insourcing of jobs into the U.S. It is free trade that creates more job opportunities for the unemployed, increases their wages and improves the standard of living for American workers. Free trade also delivers a greater choice of goods and services to our consumers at lower prices. That means American families get better products using less of their paycheck.

Competition has always helped the consumer. It does not matter if that competition comes from Canada or Kentucky. Over the past few years, prices have dropped for a wide array of goods and services that face foreign competition. For example, TVs cost 10 percent less; computers cost 25 percent less. Yet we pay a lot more for services that do not receive foreign competition, goods and services, for example, college tuition, prescription drug goods, and cable TV service.

Those who care about creating jobs and reducing unemployment here at home should stop fighting free trade and its outsourcing component and start fighting the root cause of job flight overseas, mainly too many taxes, too many regulations, and too many frivolous lawsuits.

The Small Business Administration found in the year 2000 that Americans spent $843 billion complying with Federal regulations. Too many mind-numbing regulations send jobs offshore.

Mr. Speaker, the cost of litigation now accounts for one-third of the price of the aluminum ladder. It doubles the price of a football helmet, and it adds $500 to the sticker of a new car. Too much litigation sends jobs offshore.

The United States has a higher corporate tax burden than any industrialized nation with the exception of Japan. This even includes several of the former Soviet bloc countries. Too much taxation sends jobs offshore.

Mr. Speaker, beyond the obvious economic benefit of free trade, fundamentally we must recognize that nations do not trade with nations; people trade with people. Every American citizen and every American company should have the right to determine the origin of the goods and services they want to purchase.

With the exception of national security considerations, it should not be the role of the Federal Government to tell consumers or companies where they buy their goods. Besides our financial well-being, it is our fundamental economic liberty that is at stake.

□ 1830

The SPEAKER pro tempore (Mr. KLINE). 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.)

PUTTING AMERICA'S WORKERS FIRST

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. Mr. Speaker, I rise today to talk about the problem we have with America's unemployed workers.

My Texas colleague talks about how outsourcing is so good, and offshoring, well, I know it is not good in the area I represent because it is a blue collar district. For years and years we have suggested to our young people to go and get a high-tech skill so they can become a computer programmer, so they will not have to be a machine shop owner or a machinist, that they can go into the new economy. All of a sudden now we are finding out that that new economy, if you are making $45,000 a year in the United States, you are having to compete with someone around the world who is happy to make $15,000 a year with your same level of education. So we do have a problem.

Tomorrow marks the end of March and the 3-month period since the temporary extended unemployment compensation program began phasing out. During this last 3-month period, over 1 million American workers have exhausted their regular unemployment benefits and have been unable to receive additional help. There are 72,000 unemployed workers in my own State of Texas that have exhausted their benefits. There is no comparable figure in more than 30 years when this country has had so many unemployed workers exhausting their benefits.

Despite these undisputable facts, the administration and our Republican colleagues refuse to extend this important program, saying economic growth will yield job creation. Well, it has not for the last 3 years. Every indicator out there disputes this logic and tells the same story: This country is facing a jobless recovery. If it is a jobless recovery, it is not really a recovery where I come from.

Mr. Speaker, these indicators are bad enough, but, unfortunately, there is another story behind them that makes the outlook even worse. The unemployment rate is currently 5.6 percent, but the true story is that rate does not take into account the 2.8 million Americans who have given up looking for a job and left the labor force altogether. These Americans are just as unemployed as those counted by the Labor Department; and if we include them in our statistics, the true unemployment rate stands at 7.4 percent.

When we look at the job growth figures, we see that 21,000 jobs were created last month. The true story, however, is that none of these jobs were in the private sector. Furthermore, the country needs to add about 125,000 jobs a month just to keep up with population growth. If we count the net 2.3 million jobs that have been lost to this country since this administration took office and add the 4.7 million jobs that are needed to be created since then to support our population growth, we have a 7 million job gap in the labor market.

The measly job growth we have seen in recent months will not even begin to put a dent in that job gap; and, to make matters worse, the rolls of our long-term unemployed workers are growing. Technically, workers who have been out of work for more than 6 months are defined as long-term unemployed. Six months also happens to be the maximum length of regular unemployment benefits. Therefore, most economists consider the number of long-term unemployed workers as indicative of the need for temporary unemployment benefits.

If my Republican colleagues need further proof of our need for a temporary extension of unemployment benefits, I would encourage them to look at the number of long-term unemployed workers in this country. In each of the past 3 months, almost 1.9 million unemployed workers have been counted as long-term unemployed. America's long-term unemployed represent 23 percent of the country's total unemployed workers, at least those who are counted.

Moreover, the level of long-term unemployment is three times what it was when the recession began. Job growth in this country is, without question, weaker than any other post-World War II recovery period. As each week of this jobless recovery goes by, 80,000 more workers exhaust their unemployment benefits and have nowhere to turn.

A recent Congressional Budget Office study shows that, without these benefits, unemployed Americans double their chances of entering poverty and lacking health insurance. Mr. Speaker, the need for an extension of unemployment benefits has never been greater. In the absence of true job creation, it is imperative that these benefits be extended.

Again, when we see outsourcing, offshoring happening in the high-tech community, and we see the continual hemorrhaging of blue collar jobs being lost, our American worker's income security and their health depend on that extension.

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

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

CHILDREN'S EXPRESS LANE TO HEALTH COVERAGE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I rise today to invite my colleagues to cosponsor bipartisan legislation authored by Senator RICHARD LUGAR in the United States Senate and myself in the House of Representatives known over here as H.R. 4031. The measure will help States in their efforts to enroll income-eligible children in the States Children's Health Insurance Program, commonly referred to as SCHIP.

As you know, Mr. Speaker, despite gains in recent years, nearly 9 million children in the United States remain uninsured. Of those, nearly 7 million children are eligible for public health insurance coverage. H.R. 4031, the Children's Express Lane to Health Coverage Act, builds on the successful legislation of the 106th Congress that provides States with the option of using the National School Lunch Program, the Women's, Infants, and Children Program to identify uninsured children eligible for benefits under the SCHIP and Medicare program. Many States have used this cost-saving option successfully to promote the well-being of income-eligible children.

While existing law does allow children to be income-eligible for WIC based on their enrollment in the Medicare program, it does not give the States adequate flexibility to make an income determination for eligibility for the Medicaid and SCHIP program based on the uninsured child's enrollment in WIC or another public program.

The Children's Express Lane to Health Coverage Act will give States the option of establishing that their Medicaid or SCHIP financial eligibility rules are satisfied when a family presents proof that their child is already enrolled in another program with comparable income levels. Current Federal law does not provide the flexibility that is necessary for this.

If we are to give our children, Mr. Speaker, a jump-start with quality health care and quality health insurance, I would encourage strongly that my colleagues consider becoming cosponsors of H.R. 4031, which is affectionately known as the Children's Express Lane to Health Coverage Act. It is vital, it is important, it is for our Nation's children.

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

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

FREE/FAIR TRADE AND UNEMPLOYMENT

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

Mr. RYAN of Ohio. Mr. Speaker, I hail from the Great State of Ohio, where we have lost 300,000 jobs since George Bush has been President, 2,000 a week, 260 a day. In Youngstown, the biggest city in my district, we have an unemployment rate of 16 percent. In the city of Warren, the second largest city in my district, we have an unemployment rate of 14 percent. This President's economic policies are clearly not working in the industrial Midwest.

Now, the gentleman from Texas who was up a few moments before me was talking about all of the benefits of free trade, and he said that it increased wages in this country, he said it increased the standard of living in this country, and he said that it lowered prices for consumers in this country. I do not think we can challenge the fact that free trade has clearly lowered prices or kept prices from getting out of control and from skyrocketing. I do not know if they clearly show the level of savings. I think the savings by offshore cheap labor has been a boom for the corporations but not necessarily a boom all the way across the board for consumers.

But what I want to talk about tonight is just a few issues that I think the American people are beginning to recognize and understand.

First, on the issue of unemployment benefits.

We have human beings, we have workers who work throughout the United States of America who are running out of unemployment benefits, who are going to have nothing left, and we want to talk about the intellectual battles of free trade while United States citizens are going to fall through the cracks.

This administration's priorities have been tax cuts, tax cuts, tax cuts to the top 1 percent. They are a one-trick pony, this administration is and this Congress is. A one-trick pony. Tax cuts are the answers for any social ill that we have here, and it is not working.

Second, the debate between free trade and fair trade, I think, has been obscured. You are either for free trade, or you are against it, and you are for putting up protections and not agreeing to any trade whatsoever. When I talk about fair trade, I think we need to look at the issue on the whole, and we need to say to each other what the benefits of trading are and what are the downsides of free trade are.

The downsides are obvious. We are displacing workers. We have unemployment rates going through the roof. We are losing good-paying jobs for menial-wage jobs, and we are competing with a labor force that is getting paid nickels an hour, no health care benefits, no environmental relations, no OSHA, and we are asking American workers to

compete with that. We cannot even get international labor organization standards put into our free trade agreements which just say no child labor, no slave labor in these other countries. We cannot even get those into the agreements we sign.

We are not asking for everything. We are asking for basic human rights in the trade agreements that we sign.

When a lot of us talk about fair trade in this country, at least, at the minimum, have a social safety net that addresses unemployment benefits, that addresses health care insurance for people. How much anxiety would be relieved if you did lose your job if you knew you were going to have health care provided for you and your family.

Every time free trade agreements have come before this House and before this country, the commitment was always made that we had to invest in education. Meanwhile, in Ohio, the No Child Left Behind provisions are underfunded by $1.5 billion, with a ''B'', a year. That is $1.5 billion. So if we want to grab the last 25 percent of the kids and pull them across the finish line, which is what No Child Left Behind is supposed to do, and we are going to have all these Federal mandates, the Federal government must make a decision. Are we going to give tax cuts to the top 1 percent or are we going to invest that money in the No Child Left Behind so that every single child in this country will have an opportunity to compete on an already uneven playing field in the global economy?

Investments in research and development through the Veterans Administration are being cut. The facts are that we have told our kids that they must make investments in themselves and in their education through going to college, and yet we see the Pell Grant not keeping up with inflation and we see children not having the opportunity to live and work in a country where there is a reasonable wage and an opportunity for upward mobility.

We are trying to argue comparative advantage, a doctrine that was established in the early 1800s. We need to change our policy. I never thought that we would be asking for Newt Gingrich to come back and bring some reasonableness to this Congress.

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

(Mr. CONYERS 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 Arizona (Mr. FLAKE) is recognized for 5 minutes.

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

GASOLINE PRICE HIKES

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, gasoline prices have hit an all-time high. The national average for gasoline is now $1.77 per gallon, up 25 cents from the beginning of the year; and President Bush is doing nothing to alleviate the strain that this is taking on the American people, on American businesses and on the American economy.

Mr. Speaker, high gas prices impact all of us, consumers and businesses alike. High fuel costs translate into a loss in profits margins for the manufacturing and transportation sectors that force prices for products and services higher, hitting American consumers twice. Not only do Americans need to dole out more cash to fill their gas tanks with the little disposable income they have left, they are forced to pay higher prices for goods and services.

□ 1845

For instance, Continental Airlines sought to impose a fuel surcharge for their services. And the real impact of all this is a slowdown in the economy with the potential for even more job loss. In fact, an estimate by Merrill Lynch shows that every penny increase in gasoline prices at the pump is equal to $1 billion in lost consumer spending. That is nearly $25 billion in lost spending since the beginning of the year.

Furthermore, Merrill Lynch estimates that while Federal tax refunds would total $55 billion from February to May this year, a 30 percent increase from last year, and theoretically give the economy a nudge, higher pump prices will wipe out as much as half of the positive economic impact that these Federal refunds might have had.

Mr. Speaker, I would like to point out, too, that this is happening on the watch of an administration that said they would make energy policy a priority in the United States. Yet more than 3 years after President Bush first stepped in the White House, we have no national energy policy, and we have no national energy policy because the bill that the White House presented to Congress was filled with an extraordinary collection of energy industry giveaways, crafted by the members of Vice President CHENEY's secret energy task force, instead of meaningful policies that would increase fuel efficiency and the use of renewable and alternative energy sources.

Mr. Speaker, there are two things that President Bush must do immediately. First, he must hold off placing more oil in the Strategic Petroleum Reserve until prices come down. The SPR, or the Strategic Petroleum Reserve, is a power tool that the President can and should use in times of need, and right now consumers need relief. If President Bush reduced the amount of oil placed in the petroleum reserve, we would have more on the market driving prices down for Americans now. The SPR can then be replenished when oil prices are lower.

Second, Mr. Speaker, President Bush needs to get on the phone with OPEC and demand increased oil production. Recent news indicates that OPEC has hinted at plans to lower production by 1 million barrels per day after April 1; and the administration's response to this from Secretary Abraham is that the U.S., and I quote, ''will not beg OPEC for oil.'' That is a different tune than the one that candidate Bush sang during the 2000 election. Four years ago on the campaign trail, President Bush, in a swipe at President Clinton, said, ''What I think the President ought to do is he ought to get on the phone with the OPEC cartel and say, we expect you to open your spigots and the President of the United States must jawbone OPEC members to lower the price.'' Mr. President, put your action where your mouth is and insist that OPEC increase production now to alleviate the strain these high gasoline prices are having on the American people and the American economy.

Mr. Speaker, we cannot afford to lose more jobs because of the President's inability to address this problem. He needs to address it now, and I think we should continue to take issue with it and bring it up on the floor until he does.

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

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

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 2004.

Hon. DENNIS HASTERT,
Speaker of the House, US House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Effective March 30, 2004, I hereby resign from the Committee on Agriculture.

Sincerely,

KEN LUCAS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PRESIDENTIAL SUCCESSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. BAIRD) is recognized for 60 minutes as the designee of the minority leader.

Mr. BAIRD. Mr. Speaker, I rise today to address a matter that we would all

prefer to hope we never have to address, but that after September 11 we must address. I would ask my colleagues and friends to imagine the unimaginable. Imagine that the American people are going about their daily business while Congress is meeting in full session here in the House and the Senate is doing its business and suddenly the national news wires, television and radio are interrupted. They are interrupted by an announcement that a nuclear weapon has been detonated without warning in the Nation's Capital. The Capitol has been destroyed. The White House has been obliterated. It is evident that in all likelihood all Members of the House and Senate have perished, that the administration, the President and Vice President and most members at least of the Cabinet have been killed, that the Supreme Court has likely been killed along with thousands of our fellow citizens and government workers. At that moment, we must have an answer to the American people of what happens next, and at this moment we do not have an answer to that question.

It has now been 2½ years since September 11. On that fateful day, not only did we see live on television as thousands of our fellow citizens were killed in an horrific manner, but what we did not know was that a fourth plane was coming here in an attempt to kill everyone in this building and that were it not for the heroism of the passengers on that flight and fortunate circumstances that delayed it by a few moments, many of us would likely have perished.

The question then arises, what would happen in this event? We know that it is possible. We know that our adversaries seek nuclear weapons. We know that our adversaries seek chemical and biological weapons. And we know that in this era it is very possible, indeed probable, that one day they may obtain such weapons. Yet, Mr. Speaker and my friends, we have not prepared for congressional succession, and there are grave problems with the Presidential succession law.

Let me walk you through, if I may, a scenario of what might happen. First let me start with the Constitution. Under the Constitution of the United States, a quorum to do business is made up of a majority of the Members. House rules stipulate that a quorum is made of the majority chosen and sworn and living. Let us suppose that three Members of the Congress are on a trip abroad and while they are overseas, they witness this horrific event. Everyone else in this body has been killed. The President and the Vice President are dead. America is in crisis to say the least.

Those three Members under current House rules could declare themselves a functioning House of Representatives. They could elect one of the three the Speaker of the House of Representatives. Under current succession law, the third in line to the Presidency is the Speaker of the House of Representatives. Let us suppose further that those three are from a party other than the current President. What we now have is a situation where three surviving Members of a catastrophe, randomly chosen more or less by events, have now become the entire House of Representatives, have chosen one of their own Members Speaker and that person has acceded to the role of Presidency.

We now also have a situation where under our system of checks and balances, the article 1 provisions of the Constitution, declaration of war, approval of spending and taxation, and a host of other issues that are the rightful jurisdiction of this body and the Senate working together are presumably going to be carried out by two or three surviving Members, if there are survivors; or we would have a President who could say that because there is no Congress, the President is declaring extra-constitutional powers, conceivably taking our Nation into war without a vote of the Congress, conceivably imposing martial law, conceivably spending hundreds of billions of dollars and doing a host of other events with no representation from the people of the States as a check and balance on that person.

And who might that person be? If it is not the Speaker of the House or the President pro tem of the Senate, it would most likely be a Cabinet member, assuming a survivor. I think we need to be frank. Cabinet members were never elected to their post. They were approved by the Senate, but they were not elected; and we need to be more frank still. Most Americans have not a clue, once you get past a couple of the top Cabinet members, just who they are. So if one of the lower Secretaries emerges on TV and says, I am now the President of the United States. Because there is no functioning Congress, I have authority to take this country into war, would the American people give that legitimacy? I do not think so. Would the Founders have given that legitimacy? I doubt that still further.

We must face this problem, and we must face it before the time comes. Because when that happens, should it happen, the very institutions charged with crafting a solution will have been destroyed in the very event that demands a solution. And who will be left? The American people will be left wondering who is their Representative in Congress. How does our constitutional system of government function? The world will be left wondering who now has control over nuclear weapons and on what checks and balances can we rely that that person will conduct themselves responsibly?

One of my good friends and colleagues has actually looked at this matter extensively, the matter of Presidential succession. The gentleman from California has offered a resolution that I think would address this, and I would encourage our colleagues to bring this up for a vote at some point soon, certainly before we need it. I would ask my friend from California to describe his resolution and some of the challenges it would address.

I yield to the gentleman from California.

Mr. SHERMAN. I thank the gentleman for yielding and for his dedication to the importance of assuring the continuity of our government.

We here in Washington have erected these concrete barriers, blocking this road, blocking Pennsylvania Avenue, all to assure the survival of our physical embodiment of our government. We must make sure that we have done just as much to protect the identity of those who will make the decisions. Our laws should be as strong as our concrete barriers. In the post-September 11 world, that which was just thought to be a distant possibility must now be something that we plan for. The line of Presidential succession determines who becomes President after the President and the Vice President if they are both permanently or temporarily unable to carry out their duties.

We can change this without amending the Constitution. It is the 1947 Presidential Succession Act which currently governs. In fact, going back to the statute that existed before 1947 would be a substantial step in the right direction and would deal with many of the problems that I will identify here tonight. Not only is this an issue that we can solve without amending our Constitution, it is one that is critically important to solve for two reasons.

First, as important as Congress is, and I am proud to serve in this body, in the days following a catastrophic attack, knowing the identity of the Commander in Chief will be perhaps the most important legal issue to deal with that crisis. And, second, while it would take a nuclear bomb, perhaps, to destroy a majority of the Members of the House or the Members of the Senate, it does not take anywhere near such a catastrophe to have the President and the Vice President not able to serve. In fact, John Wilkes Booth came within an inch of doing it in 1865, and he did not have any nuclear weapons. Yes, he killed President Lincoln. He also tried to kill the Secretary of State and the Vice President of the United States. Those other assassination attempts failed. So muskets or hand revolvers have been sufficient to bring us close to a position where we would move through the line of succession.

What is that line of succession now? Right after the Vice President is the Speaker of this House. That creates a few problems, illustrated in a ''West Wing'' scenario. It was as if ''West Wing'' had focused on the bill that I introduced to this Congress very early in 2001. In that scenario, you had no Vice President serving, the Speaker of the House was of another political party, and the President was only temporarily incapacitated. What happened on

television was not quite believable to those of us who live in the politically charged atmosphere here in Washington. The President temporarily gave up the Presidency to a person of another political party, voluntarily and under a circumstance where he would have legitimately continued to retain the Presidency, but he thought that the kidnapping of his daughter in this scenario made him too preoccupied to serve. What about the real Washington? Would a President whose family circumstance makes it difficult or impossible to continue to serve temporarily give up the White House to somebody of the opposite philosophy? One can only imagine the aides coming and saying, Mr. President, don't do it. There will be 500 pieces of legislation signed into law within the first hour of your incapacity.

□ 1900

In addition, under this scenario, the Speaker agreed to assume the presidency, had to resign his seat in the Congress, served as President for only a day or two, and then left public service. Would every Speaker of this House be willing to resign their seat in Congress for an hour or two or a day or two in the White House? And if not, what does that do to our system?

The answer is that we must maintain a system in which the philosophy that governs in the White House is the same throughout a 4-year term in office. This is important for a number of reasons. First, let us say the office of Vice President was vacant. Our friends wonder whether a heart attack or an assassination could suddenly change the direction of America. The stock markets wonder whether all economic policy could change with one ill-fated bad effect on one man or woman's health. Not a good situation. We should have continuity of philosophy in the White House throughout the 4-year term.

Not only that, it encourages assassins. Imagine either a group of fanatics or an individual lunatic believing they could justify their act because they were not just killing an individual man or woman, they were radically changing the philosophy that governed here in Washington.

Who is fourth in line? Fourth in line is the President pro tempore of the Senate. Yes, that means Mr. Strom Thurmond. An individual who served this country quite long as a United States Senator in his 98th year was third in line to serve as President of the United States. Could al Qaeda come up with a better plan than the death of three individuals vesting the presidency in a man who at that time had seen better days? I think that in a world of suicide assassins, we are negligent in our duties if we do not revisit the 1947 Presidential Succession Act.

There will be those who say we have muddled along so far without having to worry about this. Clearly, the events of 9/11 illustrate that we have to protect ourselves not just from what has happened but from that which might happen.

There are a number of possible solutions. I put before this House, in I believe it was February of 2001, a bill which I reintroduced in the current Congress that would provide two things: First, it would deal with one final problem I have not had a chance to identify here and a problem that is also substantial. That is a current law not only goes through a list of those who would succeed to the presidency that causes the problems I have outlined but is also unclear particularly in the circumstance in which someone succeeds to the presidency because they were third, fourth, or fifth on the list and then someone else is confirmed or elected to be second on the list. What happens if there is no Speaker of the House and the President pro tempore succeeds to the presidency and then this body meets and elects a Speaker? Do we bump the person who succeeded only because they held that less-high-in-line position? That is something we need to clarify in our statutes.

So I presented a bill that solved that problem and identified that, once somebody became President, they stayed as President through the end of that term, and also identified that the second in line to serve would be either the Speaker or the minority leader, whichever was designated by the President, and whoever would serve after that would be either the majority or the minority leader of the other body. What this would assure under this scenario is that whoever succeeded to the presidency would have been elected by their State or district and selected by their colleagues for a position of national leadership, not as the President pro tempore is for a position of ceremonial honor.

Another solution, a simpler one, is to simply take Congress out of it, have the line of succession go through the Cabinet.

A final idea put forward by Norm Ornstein, a scholar who has studied in this area, is to create a list of several governors selected by the elected President to be in line of succession and have them become Federal officers by giving them a ceremonial position perhaps as head of their own National Guards so that they could be in line.

As the gentleman from Washington pointed out, it may be that we do not want the line of succession to go all through the Cabinet even to Cabinet officers not well known by the American people so a hybrid solution would be that the line of succession would go through the top five or six Cabinet officers and then to a list of five governors selected and ranked in a document filed with the House and the Senate by the then serving and inaugurated President.

So there are several ways to solve this constellation of problems. There is one thing that it is simply criminally negligent for us to do, and that is to ignore the problem until it happens. To do so invites assassination. To do so invites people around the world to wonder whether there will be a sudden shift in policy or whether the United States will be temporarily unable to respond because the identity of its President cannot be determined with a legitimacy that is accepted by all the American people.

It is time for us to act on the Presidential Succession Act of 1947 and to adopt the amendments or a change of it this year.

I thank the gentleman for his great generosity in yielding to me.

Mr. BAIRD. Mr. Speaker, could I ask my colleague a question if I may? There is a recent book out, I think, called The Vulcans, and we have read over the last couple of decades of plans for shadow governments, shadow administrations. I do not recall reading in the Constitution of the United States that the executive branch is empowered to create a shadow government. I do not recall reading it. I do recall, correctly I believe, that the Congress is empowered to provide through statutory language mechanisms to replace the President and the Vice President should those two seats be vacant.

In the gentleman's estimation and thought, as he has spent a great deal of time, which does he think would have more legitimacy with the American public, a public process enshrined in statute, debated thoroughly by the House and Senate and passed into law that gives a clear cut, unambiguous line of succession for who will be President and Vice President or a shadow government created covertly and operating covertly to run the institutions of this country without a Congress to exercise oversight?

Mr. SHERMAN. Mr. Speaker, clearly, the gentleman from Washington will not be surprised if I say that a clear and transparent system for installing a successor President would be preferable.

There are some plans to deal with top-level civil servants in the bureaucracy and to see if this civil servant is unavailable, that civil servant would do his or her job. But all of this must take place under a legitimate President, and the fact that our present statute has all the problems I have outlined, from ambiguity to lack of continuity of policy, creates a circumstance where we could have a careful scenario as to which bureaucrats are running what and no scenario as to who is overseeing the whole group.

Mr. BAIRD. Mr. Speaker, I thank the gentleman very much for his remarks. Have there been hearings yet on the gentleman's legislation?

Mr. SHERMAN. No. As I said, I introduced it in February or May of 2001 in part because I was analyzing how our institutions could be improved in light of the difficulties of December, 2000, and I was not surprised that I was not able to get a hearing then. But in the months after September 11 when we

have been so concerned about what terrorists could do to our country, I am frankly flabbergasted that the House Committee on the Judiciary has not considered amending the 1947 Presidential Succession Act.

Mr. BAIRD. Mr. Speaker, let me make one other observation that I find admirable on the gentleman's part. He and I are from the minority party. We are both Democrats. Everyone knows the administration is from the Republican side of the aisle. The gentleman's resolution assures that the President would stay in the hands of the Republican Party if he were to perish, at least the presidency would. So the gentleman is actually stepping up to the plate and saying he is ensuring that the President's Party would stay in power if the resolution were to pass and that circumstances could not create a scenario whereby, through catastrophe or assassination, the power of the presidency could shift parties. Is that accurate?

Mr. SHERMAN. Mr. Speaker, that is not only accurate, but it was more accurate when I initially introduced the legislation. I introduced the legislation in early 2001. I expected the gentleman from Missouri (Mr. GEPHARDT) to become Speaker after the 2002 election; and I could just imagine how secure the undisclosed location where Vice President CHENEY resided would be if the person coming after him in the line of succession was the gentleman from Missouri (Mr. GEPHARDT), our good friend and colleague. So, yes, I introduced legislation which would have vested the presidency, had the catastrophe occurred, in a member of the party selected by the President of the United States, even if we Democrats had been in the majority in 2003 and 2004.

Mr. BAIRD. Mr. Speaker, I respect that, because one of my principles about this whole debate has been that it should not be a partisan issue. The continuity of our government is not a Republican issue. It is not a Democratic issue. It is an issue for all Americans; and, indeed, it impacts the entire world. It is admirable that the gentleman has created a mechanism in his proposal that is nonpartisan in the sense that it would allow whichever party has been elected to the presidency to maintain that role in the executive branch even under times of catastrophe, and I think that is admirable.

Is there anything else the gentleman would like to add before I move on to discuss congressional continuity?

Mr. SHERMAN. Mr. Speaker, I just want to commend the gentleman for his work on congressional continuity, and I know that the Committee on the Judiciary may focus on congressional continuity first. I hope they focus on both these issues as soon as possible.

Mr. BAIRD. Mr. Speaker, I thank the gentleman very much for his remarks.

I should emphasize that we are by no means the only people who are working on this issue. Admirable and outstanding work, I think, was done by a working group within the Congress for a time period. That committee was chaired by the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST), who I think did yeomen's work. In addition, a number of other people participated.

Other resolutions providing for continuity of the Congress, who are for a remote Congress should unique circumstances arise, have also been introduced. The gentleman from Connecticut (Mr. LARSON) has a proposal for an amendment to the Constitution to provide for continuity. The gentlewoman from California (Ms. LOFGREN) does as well; and the gentleman from Rhode Island (Mr. LANGEVIN), a former Secretary of State from Rhode Island, has proposed a way we could have a remote Congress in extraordinary circumstances such as a threat or an outbreak of infection. All of those folks have done an outstanding job of presenting options, and we ought to be able to discuss them.

I would also commend to my colleagues I think an outstanding service to our country. The Brookings Institution and the American Enterprise Institution formed a bipartisan group of distinguished scholars headed by Lloyd Cutler and Alan Simpson, two statesmen if ever there were people to whom that title would fit, and filled in by scholars and former Members of the Congress, legal scholars, constitutional experts. I would commend my colleagues to their work. It is available at Continuityofgovernment.Org, and I would encourage my colleagues to study this work. It reviews the history of continuity issues. It reviews how special elections can be held. It outlines in careful detail the problems that would arise were an attack to occur, and I think it is, again, a service to our country.

□ 1915

One of the things that emerges from this document is that after close to a year of deliberation, that distinguished committee reached one conclusion, and the conclusion was something they resisted. The conclusion was that we cannot solve adequately the question of continuity of the House of Representatives without a constitutional amendment.

I would underscore this fact. Not one member who served on that commission, and, again, it was a bipartisan commission, not one member began their service thinking that they wanted to amend the Constitution even to address something of this magnitude. But they all agreed after studying the matter that, regrettably, in order to provide real continuity, we must amend that magnificent document. No one races into that, no one sets out to amend the Constitution lightly, but we must have continuity of this government.

Let me walk through, if I may, a few of the issues that could arise that have not yet been addressed. I talked a little bit about what constitutes a quorum. Remember that our government is bicameral, our legislative branch. We have a House and a Senate. The framers wanted the various regions of our States to have their own representatives. And it is absolutely true that no one in this body has ever served who was not elected. We hold that very dear to our hearts. Some have said under no circumstances should we deviate from that.

But here is the problem. The Constitution says that if vacancies occur in the House of Representatives, executives of the States shall issue writs of election. Under normal circumstances, where you have lost one or two Members and have 430 or 434 to continue the people's business, it is not a problem. But when you have two surviving Members, or no surviving Members, you are left without a House of Representatives until you can have an election.

How long does it take to have an election? We have spent a great deal of study and time on this. If you talk to various people who are experts in this field, different numbers emerge. But the critical point is this: even the fastest number you can come up with, until that time can be completed, you are without a House of Representatives.

Frankly, most people with whom I have spoken who are experts and scholars in this field have suggested that a minimal probable length of time would be about 3 months. From the time of catastrophe in order to have real and meaningful elections, would be about 3 months. Anything less than that poses extraordinary logistical challenges and poses some real constitutional challenges potentially.

Some have proposed, and I disagree with this proposal, but some have proposed that we mandate elections within 45 days of a catastrophic loss of Members.

Let me be clear about something: everyone agrees who studied this issue that we want to maintain the tradition of special elections for permanent replacement of Members. But this Continuity of Government Commission and myself and many other scholars have said we are gravely concerned about a 45-day period with no House of Representatives, because how do the article I of the Constitution functions get carried out without a House of Representatives? Who carries those out? Who assumes those?

Yes, it is true that no one has ever served in the House of Representatives that was not elected. But it is also true our country has never functioned without a House of Representatives. It has never functioned under an executive branch alone.

Some have said if there were a catastrophe, the survivors would do the right thing. There is an assumption of survivors, first of all, which there may well not be. But, beyond that, the reason the framers created checks and balances is they were gravely concerned

about vesting too much power in the hands of an individual without checks and balances. They rebelled against such a system. The revolution was all about overthrowing an unelected monarchy who functioned without effective checks and balances.

To assume that a survivor who assumes the executive branch would do the right thing and that we do not need a Congress for up to 45 days strikes me as a direct insult to the fundamental insights of the people who wrote our Constitution, even if you could have a 45-day election. But how would we get to 45 days under the proposals that have been offered?

Well, the Congress, which has constitutional authority to do so, would tell the States you cannot have a primary election because there is not time. Instead, the major political parties will select the candidates, thereby disenfranchising all the voters from choosing the candidates in the primary and thereby prohibiting most people who could run for office from standing for candidacy.

What is more, in an expedited election of this sort, Americans living overseas, including very likely the very young men and women who would be dispatched to try to defend our country, could well be disenfranchised because there was not the time to get them the votes and get them ballots.

So the proposals that we could have a mandated 45-day election leave our country with no functioning Congress for 45 days, and I should say as long as 75 days if it is proximal to a pending regular election; no House of Representatives, no article I functions; further, they mandate that the States allow the parties to select the candidates, when our dear Constitution has never once mentioned the word ''party'' in its entire history. They disenfranchise independents from standing for office, they disenfranchise overseas voters.

And there are still more problems. Under this 45-day mandate, what happens if one State manages to conduct its election in 30 days, and if newly elected Members arrive at Congress and they are the first ones here and say there is nobody else here, we declare ourselves a functioning House of Representatives, and elected one of our Members Speaker of the House, who, by the way, under some circumstances could thereby become the President?

Two days later yet another State, somewhat larger this time, gets its elections completed, and they arrive at the House of Representatives, and their Members are sworn in. They say we have more Members now. Someone from our State will be the Speaker of the House of Representatives. And so it goes, until at last everyone is here. Is that what we need at a time of the greatest crisis in our Nation's entire history, that sort of ambiguity? I submit that it is not.

There is a further problem. If we pass a law that says all States must conduct elections in 45 days, what happens if this institution is struck by a nuclear weapon and some State capitals are taken out simultaneously? Al Qaeda targeted four different sites on September 11.

If they target Washington, D.C., New York City, and Sacramento, California, do the people of New York, do we really expect them to conduct a special election within 45 days after New York City has been hit by a nuclear weapon? Do we expect California to do so after its capital has been destroyed? Or do we just pretend that could not happen and hope for the best? I think we have learned in the last few weeks that hoping for the best does not work, that we have to prepare.

There is an alternative, and it is an alternative I reached with great contemplation and with great study by some of the most distinguished scholars I could speak with, and here it is:

It is that we must find a way to temporarily, and I emphasize temporarily, reinstate this House of Representatives as quickly as possible in order that the people's business can be conducted, that we have checks and balances, that we have proportionate representation, that it is not just an executive or, even worse, a shadow government running our country.

To do that will, regrettably, require a constitutional amendment, but it is not something that will sound extraordinary when I explain it. It is this: the people have elected us as their representatives to make decisions as profound as taking our Nation into war, as taxation and a host of other issues described in article I of the Constitution.

If upon our election, we generate a list of potential successors who could only assume our position if we are killed or incapacitated, and only if that death or incapacitation happens in the course of a catastrophic event, and only for the circumstance that it is temporary until a special election can be held, we would be able, within a week of a catastrophic event, to reinstate the entire House of Representatives and restore our functioning constitutional government.

Let me give you my own State as an example. In Washington State, if we were to create a list of potential successors who would take our place only in catastrophic circumstances, not in the normal course of events, that list could include former Speaker of the House of Representatives Tom Foley. It could include, on the Republican side, Slade Gorton, a man for whom I have the utmost respect. It could include, on the Democratic side, people such as Don Bonker, Al Swift, our Governor, Gary Locke. It could include on the Republican side former Governor and former U.S. Senator Dan Evans, Sid Morrison, former U.S. Representative and former Secretary of Transportation. These are distinguished individuals.

And here is the choice, my friends. If that horrific day happens and if that announcement comes on television, we must have the media know what to tell the American people, and they can either say for the next 45 days a shadow government will run this country with no checks and balances and no representation from you, the people; or they can say your representatives in their best judgment have created a list of statesmen and stateswomen who will temporarily fill their seats until you can have real special elections.

Then, instead of confusion and chaos and hasty disenfranchising elections, we would have a functioning Congress made up of distinguished statesmen and stateswomen who would take care of this country, who would do the right thing. And I would warrant that many of those people would not even stand for reelection or for new election. They would instead serve until the election could be held, and hand the country back to the newly elected people.

What I most ask is that we have an opportunity to debate this. It is 2½ years now since September 11. I began to work on this the night of September 11. I began to talk to the leadership of this body within a week of that time. And I have asked, pleaded, negotiated and discussed; and we still have not had serious consideration by this body.

On September 10, 2001 thousands of our fellow citizens had no idea that the next day when they kissed their families and went off to work, when they fixed their breakfast cereal, when they rode the elevators to their office or walked from the parking lot of the Pentagon in, they had no idea that they would be dead at the end of that day.

We do not know in this body if on any given day it is the morning of September 11, or if it is September 10 and the next day we will all perish. We do not know that. But we have to assume that there are people in the world who would dearly like to bring that about.

We do know that the weapons of mass destruction are out there. We know that a nuclear scientist from Pakistan essentially had an Amway-like system to help develop nuclear weapons internationally. We know the fissionable material is available in abundance, and we also know that if someone uses it, we are ill-prepared to address the outcome.

I have offered a rule for debate. The rule seeks to achieve fairness. What it does is it invites not only my proposal, but proposals by other Members of this Congress to resolve this issue, to be brought up before the entire body for discussion.

It says essentially, if you have a better way to do it, we are all ears. Let us hear it. Bring it up for debate. We will debate a series of potential solutions. Whichever one gets the most votes will become the new base bill. We will then take several days for contemplation, much the way the framers themselves would bring an issue up for discussion and then either recess for several days for contemplation or invite a subcommittee to review it further.

We would take several days for contemplation, because this is a matter of the utmost seriousness. Then we would bring that base bill which had received the most votes back with an opportunity for amendment, and then we would proceed to a final vote.

I would hope we could get the necessary two-thirds on that process, and I would hope it for this reason: that if we do not find some solution, be it mine or someone wiser than me, we leave this country subject to chaos and constitutional ambiguity and unelected shadow governments, which I think would mortify the people who wrote that magnificent document, and I think would mortify most Americans, should that event occur.

□ 1930

So I will ask my colleagues to consider the resolution that I have put forward. It is H.J. Res. 83. I think it is rather simple, as most constitutional amendments should be. I think it is reasonable. It should be a bipartisan effort.

If one is not compelled by H.J. Res. 83 and one thinks there are better ways, I welcome the discussion. Look, please, then at House Resolution 572. House Resolution 572 says we will have a debate and the rules for debate will be open. There will not be a committee chairman saying, only my amendment or my proposal is allowed. It will be the House of Representatives reviewing several alternatives, having the discussion, and trying to resolve this most grave of problems.

The entire Constitution was written in one hot summer in Philadelphia, several months. We have been 2½ years since September 11 and we have been unwilling, not unable, but unwilling to address this change.

There are people of good intention who I respect profoundly on the other side, but what I do not respect is the refusal to let other people of good intention engage in this debate. I find it profoundly ironic and troubling that those who assert that they oppose these amendments that I have offered and that others have offered is because they respect the sanctity of the vote, which I respect as well. Again, no one is proposing a substitute for direct election, for permanent replacement of Members. We are talking about temporary replacement. But they have said it is so sacrosanct, this principle of direct election, that we cannot even consider any alternative. And ironically, in defending the principle that one must be elected in order to serve in this body, they have at the same time said the people who have been elected to serve in this body are not entitled to debate this most serious of issues.

So we have been sent here by our constituents. They have entrusted us with the most profound of responsibilities; and yet some individuals in this body have said they will not entrust us with the responsibility to ensure the continuity of this very institution and to ensure that constitutional measures will exist in a time of catastrophe.

Please, I say to my colleagues, I beseech my colleagues, bring this issue up for a vote and for true debate. Let us not play partisan politics; let us not assume that one committee chair or 2 committee chairs have greater wisdom than this body. That assumption flies in the face of the principles of Madison and the rest of the Framers. Let us assume that the collective good intentions and intellect and scholarship of this body can craft a solution that will ensure the continuity of this institution that we all so cherish and will ensure that if that horrific day ever happens and we perish, we will perish knowing that our Nation will be left in good hands, rather than in confusion.

U.S. ENERGY POLICY MEANS LOWER PRICES AND MORE JOBS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. BEAUPREZ) is recognized for 60 minutes as the designee of the majority leader.

Mr. BEAUPREZ. Mr. Speaker, I would like to spend a portion of my time talking about the situation that has been rapidly developing of late, a situation that sometimes is called outsourcing or offshoring, whatever one's term might happen to be. The definition seems to be very much the same, though: sending American jobs to foreign countries.

Now, some of our friends on the other side of the aisle seem particularly eager to make this subject a central one for the next, oh, about 7 months. I relish that opportunity. I relish the opportunity to also have that debate. To quote their presumptive Presidential nominee, I would say, ''bring it on.''

Our friends on the other side of the aisle are unwittingly the biggest proponents of this very problem that they highlight: outsourcing, offshoring. What I mean by that, Mr. Speaker, is that by their opposition to a comprehensive national energy policy, they create and nurture an environment that is, in fact, hostile to job creation. The very thing that they say they are critical of, they are fostering a hostile environment toward job creation. Corporate greed is not responsible for outsourcing; anti-energy, anti-job policies are responsible.

Since 2001, Mr. Speaker, this House, this body has passed comprehensive energy legislation three times, led by Republicans. The other body has repeatedly failed to follow suit and, as a result, our Nation has no energy policy today. The ramifications of this lack of national energy policy are absolutely staggering.

Mr. Speaker, let me itemize. Gasoline prices have increased 30 percent. U.S. imports of oil have increased 10 percent. The price of crude oil has increased 65 percent. The cost of natural gas has increased 92 percent. And according to the United States Department of Commerce, America loses 12,389 jobs for every $1 billion spent on imported oil.

Let me repeat. These are not my numbers; this is from the United States Department of Commerce. America loses 12,389 jobs for every $1 billion spent on imported oil. That means, based on today's current prices, that we are offshoring, outsourcing 1.7 million jobs every year.

Mr. Speaker, the House passed an energy bill in this 108th Congress. It is estimated that that energy bill would produce 838,500 new good-paying American jobs. It has a great deal of incentives for cleaner fuels, renewable energy, and tough environmental standards. That bill would lessen our dependence on foreign sources of energy and strengthen our economic and national security and independence. The U.S. has always been a leader when it comes to the steady increase of better-paying jobs and improved standards of living. That is why we consume, yes, we consume 25 percent of the world's energy; but we create 33 percent of the world's economic output.

Mr. Speaker, it is developing countries around the entire planet that covet our economic system and our economic output, our ability to produce not only goods and services, but the jobs that produce the goods and services. That is why people look to the United States of America as that shining city on a hill, that vision of something better. And in order to achieve that, developing nations worldwide struggle to develop an energy system that is the very foundation of these United States of America, the jobs we create, and the economic output that we enjoy.

Mr. Speaker, one-third of the total economic output of the world is produced by the United States of America, but we are at risk today. We are at risk because of not a faulty, not a weak, but a nonexistent national energy policy. What America needs right now is an affordable, reliable, and safe supply of energy to strengthen our economic and national security and to help create good-paying jobs. Mr. Speaker, it is time for the entire Congress to do their job and get a national energy bill passed.

Mr. Speaker, I am joined tonight by one of my colleagues, a classmate of mine, the distinguished gentleman from the State of New Mexico (Mr. PEARCE). The gentleman from New Mexico has spent most of his life before he came to Congress very, very close to this issue of energy. Coming from New Mexico and the West, he is intimately familiar with the issues of energy resources, energy production, energy utilization. It is my pleasure to yield to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I thank the gentleman, and I appreciate him bringing this very critical issue to the American public tonight.

Our friends on the other side of the aisle continue to complain about the jobs being driven out of this country as if it is the President's fault. The gentleman from Colorado, my friend, has adequately described the problems of a failure to pass the energy policy through the entire House as a source of great difficulty in this Nation. There are two things, Mr. Speaker, that we must provide to keep our way of life, to keep our standard of living in this country. Those two things are food and energy. If we ever ship all of those requirements overseas, this Nation will find itself undergoing a change in the lifestyles and the abundance which we have been treated to and which we have become accustomed to.

This Nation has been blessed with abundant natural resources, including natural gas and other fossil fuels. Almost all of the natural gas used in the United States comes from inside the United States, comes from domestic sources. Natural gas provides a cheap and plentiful source of fuel for home heating and, more importantly, manufacturing facilities, particularly the chemical industry. The chemical industry uses natural gas as a fuel and also as a raw material in the production of its products. Those products include plastics, fertilizers, and many of the other products that we find and use daily. Today, the United States has the highest natural gas price of any industrialized nation. It costs the equivalent of $10 per gallon of gasoline. Most people do not know what they pay per thousand cubic feet of gas, but it equates to $10 per gallon in gasoline, and one can imagine the stress that industries are undergoing.

Sadly, this increase in price has contributed to higher home-heating costs and the loss of thousands of American jobs, including jobs in my home district in New Mexico. Throughout the United States, chemical manufacturers have lost an estimated 78,000 jobs since natural gas prices began to rise in 2000. These 78,000 jobs lost in one industry, the chemical industry, the chemical manufacturers, have been lost to manufacturing facilities in the Middle East, Asia, Europe, and South America. Why do those jobs move overseas? Because our domestic supplies have been interrupted to the point that our prices in this country for natural gas are in the $5 to $8 range. Typically in this country, $2 is the range for natural gas.

We had a briefing in the Committee on Transportation last year which showed us that the price of natural gas here in this country is between $5 and $8. Overseas in Russia and overseas in Africa, the price is 50 cents and 70 cents respectively. When we are paying 10 to 20 times more for natural gas in this country as other countries, the economics will eventually take hold and companies will move infrastructure out of this country.

What happened to cause the gas prices to increase so dramatically? First, there are two conflicting domestic policies. Number one, the U.S. adopted a policy in the 1990s encouraging the use of natural gas as the fuel of choice to burn in power plants to generate electrical power, even though we have abundant domestic coal resources. Natural gas was the clean fuel, the fuel of choice; and it was mandated by the Federal Government. The increased U.S. restrictions on oil and gas, however, the restrictions to production of natural gas on public lands has caused the supply to decrease, while the demand is increasing. Those two conflicting domestic policies have combined to force jobs offshore into other countries.

Mr. Speaker, we cannot long sustain the loss of these jobs because of conflicting policies and because of the special interests who would drive our jobs overseas.

□ 1945

In 2000, Americans consumed about 23 trillion cubic feet of natural gas, almost 23 percent of the energy used. The U.S. Energy Information Agency forecasts that by 2020 domestic natural gas demand will increase by more than 60 percent, to between 32 and 35 trillion cubic feet.

Much of the U.S. current production is coming from mature fields. Gas supplies from these fields are declining at about 29 percent per year. A mature field is one where the gas has been produced out of oil to the point that the down-hold pressures do not force the gas to the surface in the same quantities as used to occur. It is a naturally occurring phenomenon that you are able to gather in so much gas from one well before you have to drill another well.

We find these declining production curves to be a major threat to the price of natural gas in America and, therefore, a continued impediment to creating jobs in this country.

We often hear from our friends about the failure to create jobs, and they themselves are standing arm in arm with the groups who would limit the production of our natural gas which would get the cost of the natural gas to a point where our industries would become competitive again. Most of the promising new oil fields and gas fields in the U.S. are on public lands: the Rocky Mountains, Alaska, and the outer continental shelf. These areas are in the Rocky Mountain regions and Colorado and New Mexico.

Mr. Speaker, if we as a Nation choose not to access our own natural resources, with our high standards for compliance with our environmental laws and regulations, we deliberately reduce our economic security and reduce the opportunities for continued leadership in resource development, manufacturing, and technological advancement; and, at the same time, we deny our fellow citizens the opportunity for high-paying, family-wage jobs with good benefits.

We do not even bring up in this discussion the additional risk to national security. It is time my colleagues and I take the bull by the horns and fix our Federal land use policies so we can access our abundant natural resources for the benefit of all Americans. Why do we need to do this? People in the southern district of New Mexico understand why.

Mr. Speaker, the reason we need to do that is that our standard of living is at stake. Also, the number of jobs that are created in this country are at stake. But even more importantly, the ability to pay for our utilities is at stake.

People on fixed incomes are facing the price increases that my colleague from Colorado has mentioned to us already. We are facing tremendous increases in the price of gas, in the price of electricity, in the price of heating our homes and cooling our homes. Lest we forget, last year in the heat wave in Europe more than 10,000 people died from that. This is a matter of life and death as well as the future of our economic engine that powers this country.

Mr. Speaker, families spend about 5 percent of income on energy, but for many low income and minority families nearly half of everything they earn is spent on energy. Price increases will be a crushing blow for many, Mr. Speaker. Many people in my district are forced to choose between essentials of heat and food. While we have soaring natural gas prices, the cost is carried by the consumer.

Consumers pay more for goods that are produced with natural gas. These goods, I have mentioned before, include fertilizer, which is a key component in the food production.

We get to the unhappy state where the supply of natural gas can scarcely meet demand in two ways: First, it is an effort to make our air cleaner, which is an admirable condition. Many electricity producers and factories have switched to natural gas. But this switch has caused the demand to increase to such a point that the prices are now making our industries noncompetitive with overseas markets.

Mr. Speaker, if we are to do anything about the loss of jobs and the failure to create jobs, we must begin to have a balanced approach to our policy of accessing public lands. Our balanced approach would say that, yes, we can be environmentally friendly while we develop our resources.

It has been proven in Alaska, that State we saw the concerns about the tundra there in Alaska along Prudhoe Bay. We found that what producing companies did was drilled in the wintertime. They built ice pads and ice roads. When the well was drilled, they did no damage. Then when the spring came, the thaw came, those ice pads and ice roads disappeared to leave just the hole in the ground and the producing wellhead.

Since our way of life is at stake, since our entire economic engine is

powered by affordable energy, Mr. Speaker, it is past time for us to begin to discuss and begin to solve the ways that we access our public lands.

Mr. Speaker, I have more comments, but I will yield back to the gentleman from Colorado (Mr. BEAUPREZ). I thank him for bringing this important discussion to the floor of the House.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman from New Mexico (Mr. PEARCE) for a very intelligent and concise presentation.

Mr. Speaker, I would like to yield to the distinguished gentleman from Illinois (Mr. SHIMKUS). The Congressman serves on the Committee on Energy and Commerce, quite appropriate for our subject matter tonight.

Mr. SHIMKUS. Mr. Speaker, I appreciate the kind words from my colleague from Colorado Mr. BEAUPREZ.

I am here to talk about a subject that is just critical. We just have to get down to, really, the brass tacks. It is really hard for me to understand.

I hope my colleague from New Mexico stays around because maybe we can get involved in a debate and discussion on the multitude of issues.

This energy bill took in numerous committee work from the Committee on Energy and Commerce, to the Committee on Resources, to the Committee on Ways and Means, the Committee on Agriculture had a part in it, the Committee on House Administration had provisions, the Committee on Science had provisions. This is one of the few times that you have a comprehensive national energy bill and plan.

And we are there. We are so close, I could almost taste the finish line. Because the critical nature is readily evident to all of us. It is amazing that when you have the highest gasoline prices that many of us have ever seen and you definitely have the highest natural gas prices that anyone has seen, to huge blackouts in the Northeast, millions of people without power, why cannot we move an energy bill? Why cannot we have a vote and then a passage of a plan that would bring some security, some safety, some reliability to the energy markets and the energy industry and the folks that want to conserve?

There are actually great conservation provisions in this energy bill. We worked at great length to make sure that all stakeholders were involved in the debate. It was a free and open debate, taking many hours in the Committee on Commerce, late into the night, open, amendments passed, amendments defeated. The bill brought before the floor, the bill passed overwhelmingly in the House. The conference committee did its work, brought the bill back to the House and had another good vote on the conference side, and now we are held hostage by a minority in the other body.

It is unfortunate because unless we act on legislation, unless we have the public policy debate on energy, on where we want to be in the future, then we are going to see the same type of activities that we are seeing today.

And, of course, in this political season, the opposition would love to see no energy bill. It is hypocritical to complain about the high cost of gasoline when you voted no on the energy bill. It is hypocritical to talk about the loss of manufacturing jobs in this country when you voted against an energy bill. It is hypocritical to continue to spout the same rhetoric when our grid goes unchanged, new investments not flowing to protect the grid, ensuring that if we make no changes a risk of future blackouts could be in the foreseeable future.

I am at a loss for words sometimes in the way we operate here. I love the institution, I love the ability to come on the floor, to have great debates on public policy, but eventually you have to move on. A majority has to speak its will and especially in the needs that were addressed earlier on energy. It is so vital to our economy. It is so vital to our national security. It is so vital for the things that we take for granted.

I remember reading an analysis of our use of electricity in our homes and power tools and all the neat little gadgets we have. The average citizen, because of our ability of using electricity and machines and technology, it is like we have 340 servants. The stuff that we are able to do because of the use of electricity and machines would be similar to having many, many servants doing our every whim.

That is part of the reason why we have prospered so greatly in this country, because we are willing to take risks, we are willing to take capital, put it at risk, hoping to get a return. And when we want the economy to move forward, when we want job creation, when we want to keep manufacturing, one of the major costs in the manufacturing is the energy cost.

But yet we are hamstrung, I think, because of political calculations on an upcoming election that we do not want to see improvement in the economy, that we do not want to see job creation, that we want to complain about no security on our electricity grid. We still want to see higher costs for natural gas. We want to see high gas prices.

They want to blame this administration, the only administration that has brought a comprehensive energy bill before the legislative body and the House and the Senate has been vetted and voted on. Again, very hypocritical and embarrassing to my point of view.

As we continue to focus on the manufacturing jobs, I find some relief in the debate that there is a difference between the payroll survey and the household survey on jobs and job creation. But, having said that, even though the numbers are better, the job loss statistics are only based upon payrolls.

So in my district in southern Illinois, there are a lot of farmers. They are self-employed. They are not counted on the payroll surveys because they are self-employed. So in all these jobs statistics they are not there, because they are not salaried.

But we do know that the manufacturing economy is stressed. If we want to ensure that we have job creation, we are going to move a highway bill. I think it is going to be a good bill. It is going to bring, obviously, leveraging dollars from the Federal Government and State governments to be able to build roads and infrastructure; and we want that.

Listen to what the Department of Commerce says about job creation in this energy bill. According to the U.S. Department of Commerce, America loses 12,389 jobs for every billion we spend on energy imports. And, of course, we spend a lot on energy imports. At today's oil prices that means America is sending more than 1.7 million jobs overseas for oil every year.

We have oil in this country. We have it, as we talked about before, in ANWR. We have it on the continental shelf. Illinois is the tenth leading oil-producing state. A lot of people do not know that. A lot of our wells are marginal wells. They take energy to get the crude oil out of the ground. We have a gusher that was hit about a year and a half ago.

It is new technology. It drills underneath a wildlife preserve. It is producing for us a million barrels a year, which is a pretty good add toward meeting the demands that we have here.

□ 2000

It is not going to solve our problems. We are still going to have needs for export, but we do have great natural gas reserves in this country. We have got enough, and I am continuing to look at my friend on the Committee on Resources because they deal with this all the time, to meet our natural gas demands for 25 years, if we would just get access to them; and this is all not natural wildlife refuges in pristine areas. It is Bureau of Land Management scrub land. It is nothing that we even need to worry about other than it is the Federal Government's land, and we cannot even permit ourselves to go and look for natural gas reserves. Again, it just boggles your mind.

An estimated 85,000 jobs have been lost by the U.S. chemical makers since natural gas prices began to rise in mid-2000. If we cannot get natural gas at an affordable price, more and more the production facilities will be forced to pack up and leave the country.

One of our problems in this whole fuel debate is we have not built a new refinery in 25 years in this country, and we have a Balkanized fuel market, which means we have specific fuels for specific reasons.

I always tell the story, I fly into St. Louis. I am a St. Louis metropolitan Member of Congress. I live over in Illinois, and my hometown is Collinsville, but if I were to fly in and we get picked

up, I would have to go to the northern part of my district, the State capital of Springfield, and I would have to gas up the car before I took the drive. Well, the gas that I put in in Missouri would be different than the gas, regular unleaded, would be different than the gas in my hometown of Collinsville which is only 30 minutes from the airport, which would be different from the gas in Springfield, Illinois, regular unleaded, only 90 miles north. Three different blends of fuel in less than a 200-mile area.

Now, when people ask why are we having a gas crisis, I will tell you one reason is we cannot move product from point A to point B because it is not the proper mix for a proper region. You know what the energy bill does? It addresses this. There are 48 different fuel mixes in this country, and it tries to pare them down to five. It still says you need different fuels for different regions; but let us get realistic and say five regionally, that way you can move product when the supply and demand equation goes wacky. It is a great provision. It probably would have been helpful in this time of our energy needs.

The energy bill will help create or maintain over 156,000 full-time and part-time jobs in my home State of Illinois. That is how important this energy bill is for me, just my parochial interest, as a Member from Illinois.

Federal Reserve Chairman Alan Greenspan has repeatedly testified that energy prices are the single greatest threat to job creation and the continued growth of an otherwise burgeoning economy; but instead of getting a national energy policy, the people of America wait. They see energy prices rising higher and higher. They see jobs in manufacturing disappear because a plant closes due to high energy prices. They see us sending billions of dollars to foreign countries to buy oil. What they do not see is an energy bill.

The House passed the energy bill conference report, and we are still waiting, obviously, for the other body to at least do something. It is time for Congress to send an energy bill to the President that will create and maintain needed jobs across this country.

This is an important debate, and I applaud my colleague for organizing this Special Order because in the public policy arena, I mean, we have to be in the arena. We have to be debating the major issues of our time that not only affect us for the next election cycle, but really this is a comprehensive energy plan that will affect our children and our grandchildren.

So I applaud my colleague from Colorado. I hope to stay around for a few minutes and maybe can add based upon what other things are mentioned or added, but I really appreciate that.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for his comments; and a couple of things that he said sparked a little bit of my memory, if I might.

I know that in Illinois, of course, there is a tremendous amount of agriculture, a lot of farmers. That is what I spent most of my life in is a farm family; and a few months back, as you were preparing to take up this energy bill, I held a hearing in my district back in Colorado in Golden, and we had a gentleman at that hearing who is a potato farmer from an area of Colorado, southern Colorado, high mountain plateau, called the San Luis Valley; and he grows some pretty high-quality potatoes down there.

Like a lot of farmers, though, he struggles with ever-shrinking margins, and every year they try to get a little more efficient and try to squeeze just a little bit more out of the land and their operation and still make a living.

He told me something that I thought was profound and probably a fact that goes unnoticed by most everyone. He went through his operating overhead, all of the costs on an annual basis it takes for him to operate his potato farm. Thirty-five percent of his operating overhead is energy-related, not just the fuel that he puts in his equipment, gasoline, diesel, but the energy to run. We are a pretty arid State. So you have got to irrigate, to run the electric motors to pump the water for the sprinklers to irrigate with. Obviously, the chemicals he fertilizes with are produced from natural gas primarily, 35 percent of his overhead.

Now go to that gentleman and tell him that gas prices are going to go up 30 percent or more, natural gas is going to go up 92 percent, so his electric bill is going up dramatically and see what he has to say.

When we talk about these rising energy prices affecting jobs, it is real. It is as real as it gets, and having been in business most all of my life until I came to Congress this past year, and being a community banker, I came in contact with businessperson after businessperson, and there is only so much they can do, so much more efficient you can get. At some point, you throw up your hands and say I am done.

So when we are saying tonight that the lack of an energy policy, as I stated earlier, it is not a weak one, it is not a short-term one. It is no energy policy this Congress has failed to pass. It is extremely real, and blaming the President, as the other side of the aisle likes to do night after night, day after day for this outsourcing of jobs situation, we need to look inward.

I will say again, the reason that we are losing jobs in America, we need to look at the people that are promoting higher taxes and higher regulation that render us less competitive and the people that have refused to give this country a commonsense, sane, straightforward energy policy that would allow us to have affordable, predictable, sustainable supplies of energy, domestically produced energy. That is where we need to look. That is the problem.

I thank the gentleman. I was thinking of back to that hearing that I had in Colorado on natural gas, and there are statistics and numbers out there to boggle the mind, but one that stuck with me from that hearing was relative to natural gas, which I know the gentleman from New Mexico (Mr. PEARCE) is close to, is that we have enough natural gas in this country just under Federal land, nonpark, nonwilderness Federal land for 100 million homes for 157 years. That is a staggering amount.

Natural gas prices, at least back in my hometown, are nearly double right now. Somebody said, well, we have a storage problem. Somebody else responded, yeah, we have got a storage problem. It is all stored under Federal land, that is our problem.

As my colleague, the gentleman from Illinois (Mr. SHIMKUS), just pointed out, we get in the way. So I would be pleased to, once again, yield to the gentleman from New Mexico (Mr. PEARCE) on this critical subject.

Mr. PEARCE. Mr. Speaker, I think my friend from Colorado (Mr. BEAUPREZ) is like I am, a business owner. He understands that you just do not create jobs out of thin air, and you do not do it without good thoughts and good resources.

The gentleman from Illinois adequately pointed out that it is hypocritical of our friends on the other side of the aisle to talk night after night about the failure to pass an energy policy when it is the other side of the aisle that is blocking that energy bill from being passed.

The environmental extremists who stop production of oil and natural gas are the ones who are responsible. The process for drilling a natural gas well on public land is to file an application for permit to drill, an APD, and that process simply goes in for review, and when it is reviewed, the application is either given or denied.

What happens is that the extremists will file a lawsuit, and many times that application simply dies right there without ever even a hearing, and by the way, they have limited access. The extremists have limited access to over a trillion cubic feet of natural gas in the Rocky Mountain regions.

Now, then, sometimes the cooperation between the extremists and the government groups has gotten just a little bit too close and friendly. In a recent case that the media has not done a very good job of covering, three BLM employees in Wisconsin were convicted of racketeering, conspiring to keep people from drilling on public property. It is going to be very interesting to see how other employees in the Federal Government begin to respond to that conviction, understanding that their actions sometimes are simply extortion.

I have constituents of mine who report that Federal employees will tell them no, no, you really do not have a problem, but your case would go much easier if you would contribute to, say, this archaeological study that our office is doing. If you gave a check of

$25,000, maybe things will go easier. When I was out flying over the Salt River project, one group held hostage that project for a $25 million contribution into this extremist environmental fund.

Mr. Speaker, those are the things that are driving jobs offshore, that hostility to business and the development of energy. The most heartbreaking story, Mr. Speaker, that I have seen here in Congress occurred in the Committee on Resources about a month ago. Members of the union came in, the union that deals with workers who cut timber and who create the pulp wood and paper. Those union employees were talking about the loss of their jobs in that industry and were heartbroken by the fact that they were going to lose the wages that their families depended on, and they are good, good living-wage jobs.

The Members on the other side of the aisle said, oh, but you do not understand, you can get a job in the hospitality business. I am sorry, but the unions and Republicans do not often match up. The unions and the other side of the aisle do the most, and it was their friends telling them you could lose these high-paying jobs in the timber industry and you can get a job working at the hotels. The union representatives literally spit back at them across the table the words, We do not want your hospitality jobs; we want our jobs in the timber industry.

What a heartbreaking thing. I began to do research on that, and I am pleased to show a chart tonight. I am not pleased to show the chart tonight. I am horrified to show the chart tonight that describes the loss of pulp and paper mills and plants throughout this country.

The dots on this chart represent the mill closures and employee layoffs from 1989 through 2003. The blue dots with Xs are mills that have been closed, and the red dots list the number of employees that have been laid off during the past 16 years. The small blue dots represent the remaining operating U.S. mills and plants.

Since 1997, the forest products industry has lost more than 120,000 family-wage jobs and closed more than 220 plants. While there are many factors that contribute to these mill closures and the loss of family-wage jobs, several issues stand out.

Number one is the lack of access to timber resources on the Federal lands that have been brought about through the Endangered Species Act, the roadless rule, and the lawsuits filed by the anti-development environmental extremists. Access to timber resources results in lack of raw materials needed by the mills to produce their products.

□ 2015

High natural gas prices, and we have discussed why we have high natural gas prices, are also driven by misguided environmental policies. During the 1990s, the U.S. environmental policy encouraged the use of natural gas for the generation of electricity as a clean alternative to the coal-fired plants. However, during this same time and continuing through the present, area prospectives for oil and gas production have been put off limits to exploration and development. This includes almost all of the outer continental shelf offshore gas production, portions of the gulf, and a significant part of the Rocky Mountain natural gas resources.

America gets more than 85 percent of the natural gas we use from domestic production. These conflicting policies have driven natural gas prices to historic highs, above $5.50 per thousand cubic feet, the highest natural gas prices of all the industrialized nations. This makes the United States less competitive and is outsourcing our manufacturing industries, including the production of forest products.

Our misguided environmental policies are directly responsible for the loss of the majority of family-wage jobs in the forest products industry. In 1990, almost 12 billion board feet of timber were harvested from the Federal estate. That is 12 billion in 1990. Today, we harvest 2 billion board feet of timber from the Federal estate. Our national forest resources are allowed to lie fallow, to build up excessive fuels. They are subject to overgrowth, they are subject to disease, and they are subject to fire.

We are finding that the wildfires are going to destroy our forests before we ever cut them. When the fire races across the top of our forests, killing these mature trees, it only makes sense to go in and harvest the charred timber. But, instead, the extremists will file injunctions, they will file lawsuits to slow the process down.

Recently, in my district, we had a large forest fire. Before the timber could be cut, the value of the timber had lost 60 percent of its value because of delays created by the extremists who said it is better not to ever touch one tree than to cut these charred stumps that were left and had valuable timber in them.

Mr. Speaker, our watersheds are completely dependent on the quality and the character of our healthy forests, but also an entire industry is dependent on the way that we manage those resources. In this landscape, my constituents are asked to forego a development project that would provide family-wage employment so that a passerby's view is not spoiled. The same passerby expects my constituents to live with the charred remains of timber that could have provided feedstock for a local mill, that could be made into 2-by-4s for a neighbor's home, that could be paper used by a local school or business, a lovely piece of furniture to be passed into the next generation, or it could be used to make a young woman's high school prom dress.

If we as a Nation choose not to access our own natural resources, with our high standards for compliance and with our environmental laws and regulations, we deliberately reduce our economic security and reduce the opportunities for continued leadership in resource development, manufacturing, and technology. We deny our Federal citizens the opportunity for high-paying, family-wage jobs with good benefits. We also risk our national security.

Mr. Speaker, on the second chart, and I would show it briefly, it has a picture of a mill that is being closed; and much like the Vietnam wall, the names of the casualties are listed down below in black. Those names go on and on, 220 of those that have closed. I have got the closings here in a document that is 25 pages, with 35 mill closures on each page.

There are mills that have been closed in Alabama. Over 300 jobs lost at another plant in Alabama, at Cusa Pines. Here is one where 450 jobs were lost in Mobile, Alabama. Another 500 jobs lost in Mobile, Alabama. Camden, Arkansas, lost 600 jobs to these policies. We go page after page after page, California, Florida. St. Mary's, Georgia, lost 800 jobs in one mill closing. Page after page. Illinois lost many, many jobs to mill closings because of the misguided attempts of environmentalists to block every single tree from being cut. We have Louisiana with mill closings, Massachusetts, Maryland, Maine, and Michigan. State after State, 25 pages, 35 mills per page. When we get to Oregon, we have page after page after page of mill closings in Oregon, 100, 180 jobs.

This information is readily available to those in this body who would want to access it, but the disappointing thing is that our friends do not want reality in the debate about where jobs are lost and why they are lost. They simply are looking for their agenda to be carried out at all cost.

My friend from Illinois adequately characterized it as hypocritical. The job loss, the pain in the States and the rural areas of this country are borne by individuals who have to live with the policies that are implemented in our courts and in our regulations that face our businesses as they try to make a profit in the hostile environment that is created in this country.

Mr. Speaker, I thank the gentleman from Colorado (Mr. BEAUPREZ) for organizing this, and if I have an opportunity, I will have further comments to make. I thank the gentleman.

Mr. BEAUPREZ. Mr. Speaker, I thank my friend. He brings up a number of very clear points.

I think the gentleman from Illinois mentioned 1.7 million, the estimated number of jobs we have lost because of our dependence on foreign energy sources, primarily oil. It is absolutely tragic. And the gentleman from New Mexico highlighted some of the extreme, radical environmental concerns and efforts that have restricted our energy development and energy production in this country.

One would think, Mr. Speaker, that a few wake-up calls would be enough to get Congress' attention. Electricity blackouts. The big blackout in the Northeast. We had rolling blackouts even out in my neighborhood. The skyrocketing prices we are going through right now.

I submit to you, Mr. Speaker, that just as we are concerned about taxes in this Chamber, the information that my colleague from New Mexico just pointed out, those are taxes, too, the most painful kind of taxes. When your job goes away, that is 100 percent tax. When the cost of production goes up, that is a tax as well; and it eliminates jobs. When businesses become less and less and less competitive and finally close their doors, that is a very real tax on the business, on the employees that work there and on the community that depended on it.

How many wake-up calls do we need? Well, our environmentalist friends apparently believe many more, because they still cause us to not have an energy policy in this country. They seem, in fact, to oppose all forms of energy. A few years ago, they were the ones telling us to use more natural gas. Why? Because it is more affordable, and it is abundantly available. But it is those same people who are now telling us no to natural gas. They have caused us to limit production right here in this very country where we have enormous resources.

So it is no to clean-burning natural gas; no to hydroelectric energy; no to clean coal energy; no to new outer continental shelf gas and oil exploration; no to more energy exploration in Alaska; no to more energy exploration in the inner mountain west, my home; no to more electricity transmission lines; no to more power plants; no to more energy pipelines; no to ANWR, and I would like to return to that; no to liquified natural gas ports; no to offshore wind energy farms, even renewables; and no to onshore wind energy farms.

The environmentalists seem to have two policies: one, BANANA, build absolutely nothing anywhere near anything; or NOPE, not on planet Earth. Now that is some energy policy for a Nation, again, Mr. Speaker, that produces 33 percent of the world's economic output. And, yes, we consume 25 percent of the world's energy. That is how we produce that economic output.

I would like to yield some of the remaining time that we have to the gentleman from Illinois once again. Again, he serves on the Committee on Energy and Commerce and should have quite a little bit of insight on this issue.

Mr. SHIMKUS. Again, I thank my colleague, Mr. Speaker. Actually, he has mentioned some of the things that I probably should have mentioned, being a little more parochial. I am so passionate about this because for southern Illinois this bill is the best bill I think we will ever see coming across the pike.

And why would I say that? First of all, if you looked at a geological map of what is called the Illinois coal basin, it in essence is the entire State of Illinois, with the exception of Chicago and the suburbs. It actually bleeds over into Indiana, and it bleeds over into Kentucky. It has as much energy resources there, 250 years of Btu burning capability, as Saudi Arabia has oil. Why will we not have access and use of those energy issues?

Illinois is also a highly nuclearized State. We have 11 operating nuclear facilities in the State of Illinois. As my colleague from Colorado said, nuclear power is, as far as emission-wise, there are no emissions, but of course we have concerns with individuals.

I want the public to understand base load generating, which is the everyday needs for electricity, just to run the lights on average the whole year, and then peak load generating, which is the times where you really need additional electricity, and that is best met with natural gas, where you can turn it on and turn it off. But base load generating is those standard fuels that we have used for many, many years: hydroelectric, coal, and nuclear power. They have to be part of a national energy policy, and in our bill they are, they remain, and that will help us have safety and security in the energy markets for years to come.

Mr. Speaker, I want to thank my colleague for again managing this hour on energy.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman.

I would like, Mr. Speaker, in the time that is remaining, to return to the issue of ANWR.

Now it is estimated that, if we were able to construct the natural gas pipeline that has been proposed from ANWR down to the lower 48 States, not only would we dramatically increase our availability of natural gas to the lower 48 but we would create more than 400,000, 400,000 direct and indirect jobs from that one pipeline alone.

Now let us talk about ANWR just briefly. This is a map that points out the entire State of Alaska on the far side of the chart. For scale, you see in gold the area known as ANWR, the Arctic National Wildlife Reserve; and you see that it is roughly the size of the State of South Carolina. The area we are talking about, and this is the entire Arctic Natural Wildlife Reserve, ANWR, the area we are talking about is not the entire reserve but just the coastal plane. In fact, in the coastal plane, only the little area in red. It may or may not be that location, but that is the 2,000 acres within the bill that is limited for production. Just that one spot.

□ 2030

I am told that if you thought of it in terms of a very large room, it would be like a postage stamp in the corner. I visited this site last August. I wanted to see it for myself. I flew up. I flew to Prudhoe Bay here. I flew over to this village of Kaktovik right here. About 270 Eskimos live there. I visited with the president of this entire Eskimo corporation. Think of it as an Indian tribe, if you will, these few hundred that live in this region; and we talked about this.

This is as flat as flat gets. It is as flat literally as a table top. We asked him, What about drilling? What about exploring and producing in ANWR? What should we do? He says, drill it. I said, Really? He said, Yeah, drill it. One of my colleagues that was there with me said, But what about the caribou? This gentleman had already mentioned that they still hunt the whales and they fish in the frozen sea. They hunt the animals, including the caribou, for survival. What about the caribou? He said, What do you mean? He said, Wouldn't we scare them off? He looked at him and he said, We hunt them and kill them and they come back every year. What part of this don't you get?

It is pretty obvious, Mr. Speaker, that the people that depend on this area, that have the most at stake, in fact, their very lives at stake, their survival, their way of life are saying, drill it. This is the kind of insane environmental policy, people that have nothing to do with this area, have never seen this area, are thousands and thousands of miles from this area, are prohibiting the people that do live there, that do have a vested interest, that care about it the most, from reaping the benefits of it. That is insane environmental and insane energy policy.

Mr. Speaker, we could go on for hours on this subject. It has negatively impacted this Nation long enough, and it is time that it stop.

I yield to the gentleman from New Mexico for a closing minute or two. Unfortunately, we need to bring this hour to an end.

Mr. PEARCE. I thank the gentleman for yielding.

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

Mr. PEARCE. We will do more on this same subject at another time. In the closing minutes, let me talk about the hostility that we find against business in this country. Behre Dolbear publishes an annual survey entitled ''Ranking Countries For Mineral Investments.'' This survey ranks the 25 countries with the largest mining industries and/or the most significant mining industry potential. To establish the annual rankings, the survey considers seven criteria that influence investments by the mining industry in each of those 25 countries. These criteria include economic systems, political systems, social issues, permit issues, corruption, currency stability, and tax regimes. A review of each country relative to each of the above criteria is performed, using the general assumption that a technically viable mining operation is being considered in that country. The countries are then

given a ranking from 1 to 10 in each category, with 10 being the most favorable.

Recently in 2004 the USA scored well in economic systems and currency stability, et cetera; but it had a dismal ranking in the category of permit issues. This ranking is based on the time and expense required to get permits, not on stringency of regulations. In 2004, the U.S. had a numerical score of 4. That score puts the U.S. 19th out of 25 countries. The U.S. ranks below Peru, Ghana, Colombia, South Africa, Argentina, Canada, Brazil, Namibia and Bolivia. Only seven countries rank below the U.S.

Keep in mind that this is an improvement, that the Bush administration has made progress because previously under President Clinton, we had a 2 ranking. The U.S. was tied for 24th out of 25 countries with Indonesia. Just why does the U.S. have to have such a low rank in permit issues?

Mr. Speaker, we have covered tonight the many, many reasons that jobs are moving offshore in America while our industries are being decimated, why manufacturing is being sent overseas and our friends, while talking about it, continue to be a part of the problem. I thank the gentleman from Colorado (Mr. BEAUPREZ) and the gentleman from Illinois (Mr. SHIMKUS) for allowing me to participate in this Special Order.

IRAQ WATCH

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

Mr. DELAHUNT. Mr. Speaker, I anticipate that shortly I will be joined by some colleagues for our customary Tuesday night hour where we discuss the situation in the Middle East with a particular focus on Afghanistan and Iraq. We have described this hour as the so-called Iraq Watch. As we did recently, I think it is an opportune time to explain to those watching us this evening and my colleagues who preceded us that the normal legislative business of the House of Representatives has concluded, and we are now in that period called Special Orders.

That is why we have an empty Chamber. Members are elsewhere, doing their homework and getting prepared for tomorrow's legislative business. Again, in terms of equity and fairness, Republicans are allocated 2 hours and Democrats are allocated 2 hours and we alternate back and forth. As I mentioned earlier, I anticipate that I will be joined relatively soon by the gentleman from Washington (Mr. INSLEE), the gentleman from Ohio (Mr. STRICKLAND), and the gentleman from Hawaii (Mr. ABERCROMBIE) to have our customary conversation.

But I would like to begin this evening's conversation with those that are viewing us and, as they join me, with my colleagues about the issue of credibility, because as I am sure we are all familiar, if our word is not trusted, if we are perceived to be untrustworthy, we encounter serious problems as we go through life. The same is true obviously of a nation, particularly a Nation like ours that claims justifiably a certain moral authority, a Nation that values truth and honesty and a Nation that is hurt when others speak of deception and deceit when it comes to the United States of America.

The reality is, Mr. Speaker, that our motives are being questioned. There was a recent survey done by the Pew Foundation. This was a survey done in seven nations spread across Europe and the Middle East. Majorities in those seven nations believe that our intervention in Iraq was motivated by a desire to control Mideast oil. Let me read to you those nation-states and the percentages that embrace this particular view of the United States of America. Fifty-one percent of the people in Russia accept as gospel that our intervention in Iraq was predicated on a desire to control Mideast oil. Fifty-eight percent of the population of France shared a similar view. Sixty percent of German society echoed those sentiments. In Pakistan, the number was 54 percent. In Turkey, an erstwhile ally, 64 percent, almost two-thirds of the population, believed that the United States launched the attack on Iraq because of our desire to control Mideast oil. In Morocco, that number was 63 percent. In Jordan, that number was 71 percent.

What is particularly disturbing, Mr. Speaker, is unfortunately this cynical view is reinforced by various news accounts that reveal American companies have been doing business with rogue nations. There was a recent CBS ''60 Minutes'' expose. I think most Americans were unaware that despite the fact that nations like Libya, like Iran, like Iraq were considered rogue nations, Iran particularly, being one of those nations designated by the President as part of the Axis of Evil, that in fact American corporations, or let me restate that, subsidiaries of American corporations could actually do business with those whom we considered our enemy, with those whom we had placed on a list described as being those states sponsoring terrorism.

This issue was really brought to light by the New York City comptroller who in his research discovered that the $80 billion in pension funds for all city workers were invested in corporations such as GE, ConocoPhillips and Halliburton that exploited, if you will, this loophole in the law. Obviously, people from all over the world are fully aware of the fact that the Vice President, RICHARD CHENEY, was the former CEO of Halliburton. So I know it comes as a surprise to them and certainly came, I think, as a shock to Mr. William Thompson, who was the New York City comptroller, that pension funds were invested in Halliburton, and Halliburton had created a subsidiary, a subsidiary in the Cayman Islands that purportedly was doing business with Iran.

As we have recently discovered, of course, Iran is suspected of developing a nuclear weapons program. Clearly, any business that would be done with a rogue nation would benefit that rogue nation. In any event, this particular expose by ''60 Minutes'' that established that there was an offshore subsidiary of Halliburton in the Cayman Islands was in fact operating during the tenure of the Vice President.

□ 2045

According again to the transcript of the 60 Minutes interview, the subsidiary sells about $40 million a year worth of oil field services to the Iranian government. This does not enhance our credibility, Mr. Speaker. I think it undermines our credibility. And when the 60 Minutes crew went to interview officials from Halliburton, they were denied access.

But again they got on a plane. They went to the Cayman Islands, and what they discovered in the Cayman Islands was an office with a phone and no employees. Subsequently, because of a conversation they had with an individual in the building which housed this so-called subsidiary or independent company, they were told that, no, that mailing gets rerouted to Houston. Subsequently, they learned that in Dubai, which is a city in the United Arab Emirates, that there was the operating arm of the particular embassy. But, again, no answer, no response.

So what we have is a parent company, Halliburton, declining a request by 60 Minutes for an interview but through e-mail communicated it has no intention of leaving Iran or addressing the questions that the interviewer had raised about the independence of its subsidiary.

So we wonder sometimes why we are perceived in a particular way, because, again, our credibility is so vital to our claim of moral authority. I do not have an answer, Mr. Speaker. But I think the American people are owed an answer. I along, with several other Members, my colleagues on the Iraq Watch, have requested to the Attorney General, Mr. Ashcroft, that a special prosecutor be investigating to determine whether there is potential criminal culpability. But it goes to our core value of transparency and honesty and truth.

Much has been stated recently about the testimony of Richard Clarke, and that continues to play out. As we have seen today, the National Security Adviser, Ms. Rice, apparently will testify before the 9/11 Commission. But I think the salient import of Mr. Clarke's position is that Iraq had been the focus of concern since the beginning of the administration, and that seems to be confirmed by the former Secretary of the Treasury Paul O'Neill.

So I went back and reread the book authored by Mr. Suskind in collaboration with the former Secretary of the

Treasury and his recount of the first meeting on January 30, 2001, it had to be just several days after the inauguration, and I would like to read to those that are viewing us here this evening just excerpts from that particular book.

I see I am joined by the gentleman from Hawaii (Mr. ABERCROMBIE). It is good to see him here.

But there is a discussion about the Arab-Israeli conflict, and the book reads as follows: ''The Arab-Israeli conflict was a mess and the United States would disengage. The combatants would have to work it out on their own.'' That was the position of those that were present or at least it would appear to be the consensus that was emerging at the time.

''Powell said such a move might be hasty. 'The consequences of that could be dire,' he said, 'especially for the Palestinians.'

''Bush shrugged, 'Maybe that's the best way to get things back in balance.'

''Powell,'' obviously a reference to Secretary Powell, ''seemed startled. 'Sometimes a show of strength by one side can really clarify things,' Bush said. He turned to Rice. 'So, Condi, what are we going to talk about today? What's on the agenda?'

'''How Iraq is destabilizing the region, Mr. President,' Rice said. In what several observers understood was a scripted exchange, she noted that Iraq might be the key to reshaping the entire region.''

This is an excerpt from the former Secretary of the Treasury, Mr. O'Neill's, book. That is 5 days after the President was inaugurated.

The next excerpt that I will read from was a meeting of the principals, the Cabinet members on the National Security Council. This was conducted on February 27, 2001. Again, the purpose clearly was the emphasis by the Secretary, the Secretary of Treasury, Mr. O'Neill, that it was all about Iraq. This is in February of 2001. Clearly this would corroborate, I would suggest, the import of Richard Clarke's recent book ''Against All Enemies.''

But what is interesting in this particular excerpt is a reference to oil, a reference again to oil. We are not talking about terrorism. We are talking about oil, and let me quote this passage.

''Beneath the surface was a battle O'Neill had seen brewing since the National Security Council meeting on January 30. It was Powell and his moderates at the State Department versus hard-liners like Rumsfeld, Cheney, and Wolfowitz, who were already planning the next war in Iraq and the shape of a post-Saddam country.'' Remember, this is February 27, 2001, months before the tragedy that befell us on September 11.

''Documents were prepared by the Defense Intelligence Agency, Rumsfeld's intelligence arm, mapping Iraq's oil fields and exploration areas and listing companies that might be interested in leveraging the precious asset. One document head 'Foreign Suitors for Iraqi Oil Field Contracts' lists companies from 30 countries, their specialties, bidding histories, and in some cases their particular areas of interest. An attached document maps Iraq with markings for super giant oil fields, other oil fields, and earmarked for production sharing while demarking the largely undeveloped southwest of the country into nine blocks to designate areas for future exploration.''

So I guess, Mr. Speaker, I should not be surprised that in seven nations, according to the highly respected Pew Foundation, a survey revealed that substantial majorities in those nations believe that it was the intention of the United States to invade Iraq to control Mid East oil. The excerpt I just read from Secretary O'Neill's book relates his impressions, not mine, not the gentleman from Hawaii's (Mr. ABERCROMBIE), and not the gentleman from Washington (Mr. INSLEE), my colleague who has just arrived. So we are talking about oil here and the interest of oil, and this is the impression that the Secretary of Treasury that served in the Bush administration concluded.

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

Mr. DELAHUNT. Mr. Speaker, I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, the gentleman might find it interesting, with regard to the points that he has just been making and the possibility of oil exploration, I believe was the phrase that was used, mapping of fields, potential drilling areas and so on. Well, does the gentleman recall that while we were unable to prevent looting, mass looting not just of the Baghdad museums, the history of the entire Middle East, really the Mesopotamian history there, but unable to stop looting in virtually every area of Baghdad and throughout Iraq, hospitals, schools, businesses, everywhere, was it not interesting the Oil Ministry was guarded? And I wonder how that took place. I wonder what the emphasis was.

Would the gentleman be interested in a story from USA Today of March 29, Monday, as follows: ''In 2002, troops from the Fifth Special Forces group who specialize in the Middle East were pulled out of the hunt for Osama bin Laden in Afghanistan to prepare for their next assignment in Iraq. Their replacements were troops with expertise in Spanish cultures. The CIA was stretched badly in its capacity to collect, translate, and analyze information coming from Afghanistan. When the White House raised a new priority, it took specialists away from Afghanistan in an effort to ensure Iraq was covered.''

USA Today added, ''Those were just two of the trade-offs required because of what the Pentagon and the CIA acknowledged is a shortage of key personnel to fight the war on terrorism,'' not the engagement in Iraq, the war on terrorism that we hear about all the time. ''The question of how much those shifts prevented progress against al Qaeda and the other terrorists is putting the Bush administration on the defensive.''

□ 2100

Troops with the capacity to hunt Osama bin Laden in Afghanistan were removed and sent to Iraq. Now I believe the gentleman will observe there is a renewed emphasis on catching and capturing or killing Osama bin Laden, as if this had been put into limbo for some period of time.

I wonder if the gentleman would observe, as I do, that there may be more than a coincidence here with respect to what he has just been sharing with us?

Mr. DELAHUNT. Well, again, all of this goes to the credibility of the United States.

When administration officials, and particularly the Vice President, make statements that in one case was contradicted the next day by the President himself regarding links between Saddam Hussein and al Qaeda, when on a Meet the Press program the Vice President of the United States suggested that there were links and then the next day the President of the United States came out and unequivocally said there is no evidence linking 9/11 and Saddam Hussein, and then subsequent to that, subsequent to that, in January of this year the Vice President again repeats the assertion, the allegation, about linkages, there is a cumulative impact here.

There is a cumulative impact, because, after awhile, people are saying, you are conning us; you are misleading us. Like just recently, the Prime Minister of Poland, an ally in the coalition of the willing that is still in Iraq, said, ''We were misled. We were taken for a ride.''

Mr. ABERCROMBIE. If the gentleman will yield further, the people from Poland may be having second thoughts after today's activities. I do not know if the gentleman is aware that in Iraq today, those soldiers, part of the contingent from Poland, came under assault from those who, and I almost hesitate to say because it sounds as if I am making an ironic comment, and that is not really my intention, the situation speaks for itself, they were assaulted by those who are complaining that their applications to be police officers were not being properly processed. So, apparently, the people who want to be the police officers are now engaged in gang assaults in Iraq; and in this instance it happens to be against those who have been sent there from Poland. I think this is only a precursor of those things which are to come.

Mr. DELAHUNT. If I can interrupt, I believe that goes to the question of competence; and the issue of post-war planning has been roundly criticized.

Mr. ABERCROMBIE. If the gentleman will yield further, that is precisely the point. In the context which

you mentioned of the Vice President, Mr. CHENEY, indicating that we should pay the closest attention and give the highest credibility to the idea that links, and those are the phrases of choice of the Vice President, Mr. CHENEY, links on the most peripheral basis, links on the periphery must be nonetheless taken very, very seriously.

I hope the gentleman agrees that is a fair characterization of what Vice President CHENEY has been doing, that the most elliptical connections must be taken with all seriousness. At the same time, he denies his links and connections to the Halliburton Company, to the oil companies that he has served slavishly throughout his career, have anything to do with the decisions that have been made with respect to Iraq, with the decisions, political decisions, made with respect to invading that nation.

Mr. DELAHUNT. Again, let me go back earlier to the excerpt that I recited from the O'Neill book. On February 27, the administration was a month old. Here we have a meeting of the National Security Council of the United States talking about exploration, mega-giant oil fields, contracts.

I would hope that those that might be viewing this conversation this evening, and I am not here shilling for Mr. Suskind and former Secretary O'Neill, but they should go out and read the book, because we know that Mr. O'Neill was castigated, and we also are fully aware that Mr. Clarke is being attacked and maligned.

But what I suggest is, read these two as companions. It is clear that there is no collaboration going on between Mr. O'Neill and Mr. Clarke. But the salient point is from the day they came into office, this was about Iraq. This was about Iraq.

Mr. INSLEE. If the gentleman will yield on that point, I would like to comment on what you just said, but before I do so, I would like to make a statement of why we are here tonight.

This is months after the Iraq war started, and I just want to state the reason I am here tonight is the people who are fighting this war deserve answers of how this war started based on false information. If it takes us years to get to the bottom of how this was started, why it was started and who started it so that they can be held accountable, we are going to be here until we get those answers.

But you have put your finger on a very, very important point; and that is that the people who this administration are attacking, Mr. O'Neill, Mr. Clarke, Ambassador Wilson, the actuary of the Medicare fund, all of whom are being attacked by this administration, their statements have proven to be true in the last several weeks. One of the great ironies of this is that this administration is attacking civil servants for telling the truth.

Look at Mr. O'Neill. As you indicated, he was attacked because he had the temerity, and this was the Secretary of the Treasury, a high-level person appointed by the President of the United States on a personal basis. Mr. O'Neill said, ''In the 23 months I was there, I never saw anything that I would characterize as evidence of weapons of mass destruction. There were allegations and assertions by people.'' That is from Mr. O'Neill's book.

He said that in January 30, 2001, before September 11, the President instructed at the National Security Council meeting, that the President directed the Secretary of Defense, Donald Rumsfeld, to ''examine our military options'' with regard to Iraq.

Mr. O'Neill was quite viscerally attacked by the administration for making those statements. But now it turns out in listening to statements by Condoleezza Rice and essentially Donald Rumsfeld and Mr. Clarke, those things were true. From their own lips, of people still in the administration, that statement was true.

Mr. Clarke a week or so ago had the temerity to point out that on the day after September 11 the Secretary of Defense said something to the effect like ''let's get ready to bomb Iraq,'' and it was pointed out to the Secretary of Defense that al Qaeda, who at that point we knew was behind the September 11 attack, that al Qaeda was in Afghanistan, not Iraq. Mr. Rumsfeld responded, ''Well, there are not any targets in Afghanistan.''

Mr. Clarke originally said, ''Well, I thought he must have been kidding.'' It turned out he was not kidding, and when asked about that on a talk show this weekend, Mr. Rumsfeld, I did not hear him deny it. Incredibly, I did not hear him deny it.

What I heard was Mr. Clarke pointed out that on September 12, when he talked to the President of the United States, the President of the United States took him aside and said, essentially, ''I want you to look and scrub to see if you can find any evidence whatsoever that it was Iraq behind this.''

Mr. Clarke wondered about that, because he felt the President was essentially pushing to find something that had not been reported to date.

Originally, you know what the administration said? They said Mr. Clarke was not there that day. Well, today we find from Condoleezza Rice not only was he there, but, yes, those conversations apparently took place.

So what we are finding is we are finally getting down, after peeling the layers of the onion, to the truth of what happened in Iraq. And what happened in Iraq is that this administration very early on was bent on taking a course of action involving military action in Iraq.

It is not that they were forced to by this overwhelming intelligence, this mountain of intelligence that led us to the inescapable conclusion that Iraq had these weapons of mass destruction. As early as the day after the attack on September 11 they were looking for some reason to start a war in Iraq. This is something that has been confirmed today by their own statements.

Mr. ABERCROMBIE. If the gentleman will yield on that point, and looking, I might add, for an opportunity to deny that ongoing sanctions would prevent, should those weapons actually exist, their utilization, either against us, certainly, or against neighbors, other than by assertion.

Mr. INSLEE. It is apparent the questions asked by the President were not about the inspection program. The statements were ''let's go bomb Iraq, because there are no targets in Afghanistan,'' or something to that effect.

Mr. DELAHUNT. If I can interrupt, I think we are usually in agreement, but here I have to disagree, because it was not immediately after 9/11. Yes, I believe the President did make that statement, and I presume he will acknowledge he made that statement. It has been acknowledged implicitly by the spokesperson for the White House.

But if you go back and examine the record, this administration, and particularly the Vice President of the United States, for whatever reason, presumably this grand vision of a Middle East rearranged in a manner that purportedly would move democracy forward, believed that Iraq was the linchpin to having that happen, and a conclusion had been reached and they were simply looking for the opportunity to invade Iraq. That was before 9/11.

Mr. ABERCROMBIE. If the gentleman will yield, perhaps he could spell the word democracy for me. I believe it is spelled O-I-L. I believe they are synonymous with the gentleman to whom you are referring.

Mr. DELAHUNT. I have to say this about the Vice President, and, again, those who might be listening to us tonight, if you have access to a computer, go on line. On March 10, the headline reads, page 1 of the New York Times, ''CIA chief says he corrected Cheney privately.'' Even today, it is the Vice President, more than anyone in this administration, who will not let it go.

David Kay said, and, remember, David Kay was the chief arms inspector for the United States, embraced by this administration to go and search for the weapons of mass destruction in Iraq, David Kay said we were all wrong. It is time to give it up.

He indicated in a speech just recently in Cambridge, Massachusetts, I think he used the term ''Waiting for a Hail Mary pass, like Vice President Cheney is doing, presents us with grave threats.''

That is David Kay speaking. That is not some partisan Democrat. That is not the putative nominee for the Democratic nomination for the President. This is beyond politics.

Mr. INSLEE. If the gentleman will yield further, I think what the gentleman is pointing out is that there were huge falsehoods that are now apparent that were told to the American

people, to the U.S. Congress, that were used as a premise to start this war.

I want to talk about just a couple of those and see what the administration has done in response to those.

The President on March 17, 2003, said, ''Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.

□ 2115

''This regime has already used weapons of mass destruction against Iraq's neighbors and against Iraq's people.'' The second half of that is true, but the first statement is false. Yet, no one in the administration has admitted the falsity of that statement, despite overwhelming intelligence information to this effect. We have people serving, and we have lost over 500 Americans in this war that was started based on a falsehood, and no one in this administration has had the courage and the willingness to straight talk, to say these statements were false that were the basis for this war.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield a moment before he continues on that point. The gentleman cited a part which implied, or not implied but I believe explicitly stated was true with respect to utilization of poison gas on Iraqis, more particularly Kurdish Iraqis. Does the gentleman know, and if he does not, perhaps he would find it of worthy interest to pursue, whether or not that gassing or the reference to it took place before or after the first Bush administration was in Iraq doing business with Saddam Hussein? And, if I am not mistaken, the person representing George Herbert Walker Bush and his administration is the present Secretary of Defense.

Mr. INSLEE. Mr. Speaker, it is clear that our country did not have things to be proud of at the time that the Kurds were gassed. We could talk at length about that.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would further yield on that point, my reference to that is not to disparage anything that the Secretary did in pursuance of policies which he was clearly following with respect to his service in the first Bush administration, but rather to illustrate that it is at best a bit tiresome, if not hypocritical, for the present Bush administration to cite that as if the United States was some innocent standby observer, shocked at the fact that this took place, disturbed that it had taken place, doing anything in the way of diplomatic activity to indicate that we disapproved of it in any way, shape, or form. Quite the contrary.

What the United States did is stand by and not try to ''complicate'' the issue, and I say that with quotation marks around it, by making, from what I am best able to determine, any kind of significant demurer with respect to what Saddam Hussein had done in that instance.

Mr. INSLEE. Mr. Speaker, we should have clearly raised a siren internationally when that was going on, but let us not compound the error by leaving these falsehoods to lie like sort of a stinking mackerel in the moonlight right now without this administration clearing this up and shooting straight with the American people. Because on January 28, 2003, the President of the United States stood right behind the gentleman from Hawaii and addressed the Congress and the American people and said, ''The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.'' That statement was false, and the administration knew it was false.

He went on to say, ''Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production.'' That statement was false.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURGESS). If the gentleman will suspend, the Chair will remind all Members not to engage in personal abuse of the Vice President or the President.

Mr. INSLEE. Mr. Speaker, we appreciate the reminder.

That statement was false, and it was false at the time it was made. The reason I know that is that subsequent information has revealed that our own agencies have reported that they concluded that those aluminum tubes were probably going to be used for some standard rockets, not anything to do with centrifuge tubes; and yet the President of the United States told the American people there is no doubt that Iraq had some of the most lethal weapons devised by man. Now, the fact of the matter is, if this is some innocent thing that occurred, we need the President to address the American people about how this happened.

Now, I am glad that the President has finally allowed Condoleezza Rice to publicly answer some of the questions around what has happened in some of this affair. It is unfortunate that it has taken so long to be drug to the public spotlight; but, nonetheless, we hope this will shed some light on this.

Mr. DELAHUNT. Mr. Speaker, a question that I would like to have answered by the 9/11 Commission. Well, maybe it is not appropriate for the 9/11 Commission; let me retract that. However, I think it is a question that this administration should answer via some mechanism, because we were all here that night when we heard those words regarding the search for highly enriched uranium in the African nation of Niger, which turned out to be totally false, and which had been discredited and discounted by a variety of intelligence agencies throughout the world and particularly, not the CIA, but the DIA and the appropriate agency within the Department of State. They just simply did not accept it.

Yet a week later, on February 5, the Secretary of State made a very powerful presentation at the United Nations; and in that particular presentation, Secretary Powell made no reference, no allusion to that particular situation, to the fact that or at least the assertion that was presented by the President regarding looking for uranium in Africa. I am sure that he did that because, as was reported in a variety of media outlets, he sat down with the CIA, the Director and analysts within the CIA, and discarded that information.

Why was it inserted in the State of the Union, and yet approximately a week later was not part of the Secretary of State's presentation before the United Nations? And did the Secretary of State communicate to the President of the United States, to the Vice President of the United States his basis, his rationale for not including a very serious allegation that was made by the President in the State of the Union address and not included in his presentation at the United Nations before the world? It is incomprehensible.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would yield, I would contend to him that it is not incomprehensible if the intention all along was to go into Iraq and to go into Iraq at the expense of the war on terror in Afghanistan. We can see what the results are.

I would quote to the gentleman from the Financial Times of Monday, a report which indicated that a United Nations body will warn this week that Afghanistan is in danger of reverting to a ''terrorist breeding ground.'' That is the phrase utilized in the Financial Times story characterizing the United Nations' report, that Afghanistan is in danger of reverting to a terrorist breeding ground with an economy dependent on the illegal drug trade, unless the international community significantly increases development funding for the war-torn country.

Now, we have billions and billions and billions, tens of billions of dollars to be expended in Iraq at the present time with its economy in collapse, except, we are told, for its ability to produce oil. The economy in Afghanistan is now reverting to the pre-Taliban days. If the gentleman will recall, we supported the Taliban to the tune of $40 million because it was involved in eradicating the drug trade. The drug trade has come back with a vengeance. It is now supplying funding in the absence of any international effort being made in Afghanistan and, as a result of the switch in emphasis on terrorism from Afghanistan to Iraq, particularly in the wake of what I contended to the gentleman at the beginning of my statement that it was deliberate. It is not incomprehensible if it is a deliberate policy of the administration to find a methodology of presentation to the country sufficient to raise the fear factor to a level that would allow this invasion to take place. That was the purpose and the intent all along, and the result that the

administration has to be held to account for is that Afghanistan now is reverting to a status in which it could be called a terrorist breeding ground in a United Nations report.

Mr. DELAHUNT. Mr. Speaker, is my friend aware of the fact that the President of Afghanistan recently was compelled to delay the elections that were scheduled in June to September?

Mr. ABERCROMBIE. Hopefully, September.

Mr. DELAHUNT. Hopefully, September.

Mr. ABERCROMBIE. Yes.

Mr. DELAHUNT. And I dare say that that election date is very much at risk, as the gentleman suggests that Afghanistan, as a viable nation-state embracing democracy, is very much at risk, because we have ignored Afghanistan since we achieved a stunning military success, but then diverted our efforts and our resources and our attention to Iraq where there was only one terrorist, and that was Saddam Hussein, who terrorized his own people. But the terrorists in Afghanistan were the terrorists that were training, that were appearing again to attack America. And today, we are still searching for them.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield for a moment, I just want to sort of reiterate basically what the gentleman is saying. I keep hearing more and more evidence that with the President taking our eye off the ball of al Qaeda, it has damaged our ability to bring them to the ground; and it has done that in multiple ways.

We had a hearing the other day in the Committee on Financial Services about our ability to track down and cut off the funds of al Qaeda coming out of Saudi Arabia, because that is where the money came, largely, from al Qaeda. It turns out the administration has had a lot of the forces that could have been used to cut off the money going to al Qaeda, the people who killed 3,000 Americans, to chase Saddam's funds all around the world. Now, it would be nice to get ahold of Saddam Hussein's funds. That is fine. I am sure he abused and did the Iraqi people tremendously, not only personally, but fiscally. But the guy who killed over 3,000 Americans is at large; and his network of raising money is still intact, because this President took our eye off the ball and cut off some of the resources we had to cut those resources off from al Qaeda.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would yield on that point, I would contend and do contend that the biggest supporter of the invasion in Iraq was Osama bin Laden. It does not take a cracker-jack specialist in strategy to understand that when your enemy, i.e., the United States of America, is addressing all of its attention, its military prowess, and its funding in a direction opposite from where you are, that that is, in fact, very good for you.

Mr. DELAHUNT. Mr. Speaker, I think it is really important to the people who are watching this to understand this: that historically, Saddam Hussein and Osama bin Laden were bitter enemies. In fact, in the mid-1980s, there was a group akin to al Qaeda in terms of its world view, fundamentalist Islamist, a perverted form of that holy religion, that great religion, that attempted to assassinate Tarik Aziz. Saddam Hussein, the tyrant and the thug that he was, just eradicated him. So historically, we should have known that those that attacked us were the same people that as recently as this month, as recently as this month killed hundreds of people in Madrid, Spain; and we need the help of the entire world. That is why I go back to this issue of credibility: Who is going to believe us?

I know that there are some that will strut and swagger and be tough and say, we can do it alone. Well, I do not want to do it just with American men and women.

□ 2130

This will only be successful, this war on terror, if we do it working with others and we have to have their trust. We have to have their confidence. We will never accept appeasement, but we have got to be honest

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point, I will point out in turn that come June 30 you are going to see what it is like to be alone. We are going to be cut loose in less than 100 days in Iraq, not just in Baghdad, but in Iraq; and our Armed Forces there will be adrift. There will be no one to report to.

We have no status of forces agreement with anyone that can be enforced. We have no idea with whom we would enforce such an agreement. All our armed services, all our Armed Forces in Iraq after June 30 will be left to fend for themselves and make decisions on the spot as to what they will do and how they will operate and who they are working for and with. There will be no operative government whatsoever, and this is being done entirely for political reasons because of the utter failure of this operation.

The gentleman will recall that I indicated back at the time of this invasion that this would not be a war, that this would be a lightning attack on Baghdad, and then the war would start. I trust the gentlemen, both of them, will recall me saying that; and I think it was quite clear to those of us serving on the Committee on Armed Services that was going to be the result, and even then we indicated as a result of the testimony of people like General Shinseki and others, upon whom we have relied to good effect in the past, that unless we were properly prepared with the logistics, even that lightning attack would suffer casualties and set us in circumstance less than what we could be in terms of the military might of this country.

That is precisely what happened. That lightning attack was accompanied by consequences in terms of supply and logistics which harmed us and harmed those who served in that attack, and then the war began, and we are suffering from that kind of war right now, as we speak tonight; and on June 30, I can assure you that the level of combat in terms of what the United States is going to suffer is scarcely beyond imagination

Mr. DELAHUNT. Mr. Speaker, in retrospect General Shinseki, who was treated in an extremely dismissive manner, his advice should have been heeded and, maybe just maybe, today we would be looking at a totally different situation in Iraq than what we are currently embracing.

I am sure you are aware that the leader, the dominant leader of the Shiites in Iraq, Ayatollah Al'sistani, is already circulating information, pamphlets, decrying the Constitution. I mean, it has been reported that CIA analysts are concerned about a civil war in Iraq

Mr. INSLEE. Mr. Speaker, if the gentleman would yield, we have got people there tonight who are sitting ducks for this terrible situation in Iraq, and there are two things really galling to me about this.

Number one, I have heard some people in these Chambers sort of suggest, well, we only lost a couple today; we only lost 10 this week; we only lost 100 this last couple of months; it is not like Vietnam. Well, I have got to say when I went to a family 2 weeks ago to spend the Sunday with them when their father and husband of two young kids is never coming home again, it is just like no other war; and these numbers, this is not a numbers game.

These people who are serving tonight deserve something. They deserve their government to be accountable to them, to be responsible to them as to why this war started based on false information given to the American people, and we are now learning that there was lots of false information given to them. They are entitled to that. The American people are entitled to that, and we are intending to get that one way or another.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point, all this is true, and I think we have to reiterate it, but that is retrospective. Prospectively, I think we have to look at June 30, and I hope, Mr. Speaker, that when we have the opportunity next to come before you, Mr. Speaker, that we will be able to address that question.

PREDICAMENT WE ARE FACING WITH SOCIAL SECURITY AND MEDICARE

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, last week the actuaries of the Social Security Administration and the

Medicare came up with their estimates of the predicament that we are facing in those two programs in terms of having less revenue, less money coming in than is needed to pay for promised benefits. The news was not good.

I wanted to start with this pie chart to give everyone an impression of how we spend Federal Government money; and as you see by the title of the chart, Social Security is the largest budget expenditure. This is the Social Security piece of pie, if you will, at 21 percent of all of the money spent by the Federal Government. That compares to 20 percent for defense, and defense, 2 years, 1, 2, 3 years ago was a little over 18 percent. So, even though, defense has grown, Social Security is growing even faster.

We have Medicare at 12 percent, but that is the fastest growing program; and within 30 years, Medicare will overtake Social Security as the top Federal budget spending program.

Other entitlements, 10 percent; domestic discretionary, 16 percent; and here is a problem area over here, interest on the debt, 14 percent. The reason that is a problem is because we are amassing a dramatic increase in debt.

Last month, we celebrated Abraham Lincoln's 195th birthday. In his famous Gettysburg Address, he sort of noted whether a country of the people, by the people, and for the people could long endure. The Civil War, of course, was sort of a testing ground, whether that Nation or any Nation so conceived and so dedicated could last.

The actuaries in their report last month estimated that the total unfunded liability, the amount of promises or the cost of those promises over and above revenues coming in from the FICA tax, from the payroll tax, was going to be $73.5 trillion. To put that in a little bit of perspective, the budget that we are looking at for this current year is about $2.28 trillion, and for next year the budget we are working on is about $2.4 trillion. The unfunded liability, how we are going to have to somehow cut benefits or increase borrowing or increase taxes is $73 trillion or over $73 trillion; and breaking these down, we see Medicare part A estimated at $21.8 trillion; Medicare part B at $23.2 trillion; Medicare part D, the new prescription drug program, at $16.6 trillion.

So passing the Medicare drug bill increased the unfunded liability by $16.6 trillion, and Social Security with the trust funds comes to almost $12 trillion. It is more than a quarter million dollars of the unfunded liability for every American. Every baby that is born tomorrow, every child and woman and man in this country, their share of this unfunded liability that they are going to have to deal with the extra interest on the debt and paying back that debt is over a quarter of a million dollars.

This chart that Tom Saving came up with, an actuary in both Medicare and Social Security, indicated how much of the general fund revenue is going to have to be used up to pay for promised benefits in Social Security and Medicare; and we see that within 16 years, by 2020, it is going to take 28.6 percent of our current general fund budget to pay for the promises we have made in Social Security and Medicare. By 2030, it is going to take 52.7 percent of the general fund to pay for these programs.

The reason that I am making this presentation tonight, Mr. Speaker, is to call to my colleagues' attention, call to everyone's attention the very serious situation of the promises that have been made over and above the money that is coming in for those programs and how it is going to impact other programs that government now provides.

We talked about the Civil War with Abraham Lincoln. The earlier group talked about the Iraq War; but today, we face a threat to the country that may well be more serious than any war we have had. It is not in a dramatic clash of arms, but in neglect of the Nation's finances, especially our long-term finances.

Voters vote for benefits, and politicians promise them, without knowing where the money is coming from. They do not know how to pay for it.

Just 3 months ago, Congress voted for a prescription drug benefit that adds $16.6 trillion of the program's unfunded liability. That is more than twice our Nation's entire national debt, without knowing where the money is coming from; but when I say without knowing where the money is coming from, actually it means that our kids and our grandkids, that somehow some of these programs justify borrowing from the money that our kids and grandkids have not even earned yet. So to continue promising programs because it seems to be politically favorable to individuals in their reelection is unconscionable in terms of the burden that it is putting on our kids and grandkids.

From the founding of this country, Mr. Speaker, it took until 1975 to amass the first $500 billion worth of debt. Unfortunately, we are now adding more new debt to our books every year than it took in the first nearly 200 years of this country to amass because we are going over $500 billion every year.

The deficit for fiscal year 2003 was $536 billion. It is expected to be $631 billion this year and another $534 billion next year. We have never run a deficit this high, and we need to take decisive action in this budget to address our overspending; and though this budget is, for lack of a better word, more frugal than maybe any budget that we have passed since 1996, it still increases total spending of the government almost twice the rate of inflation, and it does not deal with unfunded liabilities. It does not deal with changes to Social Security, with changes to the Medicare program or the Medicaid program that are going to allow these programs to survive without threatening future generations with huge tax increases.

This is sort of a quick snapshot of the problems of Social Security, a short-term surplus. In 1983 under the Greenspan Commission, they raised the taxes so high that there was more money coming in than was needed; and so that money, maybe the word is ''theoretically,'' was put into a trust fund, but there is nothing there except IOUs because government spent every cent of that money for other government programs. So in the short run, we had extra money coming in, all spent; and now in 2018 we are looking at there being less revenues coming in from even that high tax increase than is needed to pay promised benefits.

□ 2145

So a very bleak future in terms of future deficits.

When I have given speeches on Social Security, a lot question, how does Social Security work? So, very briefly, let me go through some of the provisions of how the Social Security program works.

Benefits, first of all, are highly progressive. That means that if you are a low-income earner, when you retire you can receive up to 90 percent of your average monthly check that you had for the 35 eligible years that you gained your Social Security credits. If you are a very high-income earner, then you come closer to getting back only maybe 15 percent of your average monthly check that you were earning when you were paying in your social security taxes.

At retirement, all of a worker's wages, up to the tax ceiling, are indexed to the present value. We are using wage inflation. The best 35 years of earnings are averaged out. So if you only worked 30 years, you got 5 years that is zero, and that is averaged in and averaged out as zero years. The average benefit for those retiring in 2004 equals 90 percent of earnings up to the first $7,344. This is the progressive part. Ninety percent for that low income. Thirty-two percent of earnings between $7,300 and 44,268, and then 15 percent of earnings above the 44,268. Early retirees receive adjusted benefits.

SSI. A lot of complaints about SSI, about the abuse of the Supplemental Security Income program and how that is hurting Social Security. Actually, SSI does not come out of the Social Security Trust Fund. It comes out of income taxes that go into the general fund.

Joining with colleagues who share my concern about government overspending, I think we are coming to a good start this year in making a difference on how we hold spending in line.

It is interesting that Franklin Delano Roosevelt, when he started Social Security in 1934, actually was suggesting that the savings be in private accounts but it be mandated savings based on earnings and that you could

not use that savings until your age of retirement. But that changed. Looking at the archives over here, it is interesting, the debate that went on in the House and the Senate in those years.

The House passed legislation that said government should run the whole program. Government should take the money and invest it and save it and then give fixed benefits to retirees when they retire.

The Senate passed the bill saying these should be individually owned accounts, where individuals could invest in limited investments, but of course forced to save and forced to invest with that money and not being allowed to be taken out until they retire.

When they went into conference, the House won that debate; and we ended up with a program where government takes all the money in and spends any extra money that is coming in and then promises that benefits will be paid. Several times over the history of the program since 1935 we have ended up with less money than we have needed, and what has happened is this Chamber and the Senate Chamber across the way, and the President, have simply said, every time money was short, that we are going to cut benefits or raise taxes or do both. And that is what has happened over the years.

The system is stretched to its limit in Social Security. There are 78 million baby boomers that will begin retiring in 2008. Social Security spending exceeds revenues in 2017 and Social Security trust funds go broke in 2037, although the crisis could arrive much sooner. The reason the crisis is coming much sooner is because, even though the government has IOUs to pay back the money it has borrowed, government does not know where the money is coming from. So the danger when we come to the point of 2017, when there is less money coming in than going out, whether it is 2017 or 2018, is how does government come up with that money to pay promised benefits? Well, they either cut benefits or increase taxes or increase borrowing.

Social Security trust funds go broke technically in 2037, but that is if government pays back everything it has borrowed. Insolvency is certain. We know how many people there are and when they will retire. We know that people will live longer in retirement, and we know how much they will pay in and how much they will take out. We know that payroll taxes will not cover the benefits starting in 2017, and the shortfalls will add up to $120 trillion between 2017 and 2075. So that is $120 trillion in tomorrow's dollars. That translates into $12 trillion that would have to be put in a savings account today, earning whatever the CPI inflation is, to accommodate the $120 trillion that is needed in future years.

The coming Social Security crisis, our pay-as-you-go retirement system, will not meet the challenge of demographic change. Here is the problem, Mr. Speaker. The problem with Social Security, the problem with Medicare is the problem we would have with any program that is based on a pay-as-you-go system, where existing workers pay in their taxes which are then immediately sent out in benefits for existing retirees.

The problem is that way back in 1940 we had 32 workers for each one retiree. By the year 2000, we got down to three workers for each retiree. And by 2025, the estimate is that there will be two workers for every retiree. So it is understandable that if those retirees are going to receive the same level of benefits, then each worker is going to have to pay in more tax revenue; and that is what we have been doing, is continually increasing the FICA taxes on existing workers over the years.

So, two problems: Well, problems, I have to be careful of that word. Two situations that have brought about the demographic changes: One is the situation where people are living longer. The other is the birth rate is going down. Now, remember the chart where we go from the green to the red? That is because of the fact that the big birthrate increase after World War II, the so-called baby boomers, are going to start retiring in the next few years.

Some have suggested, well, if we can just get the economy going, that will help; and there is no question that the economy helps in the short run. It helps in the short run because, as wages go up and more people are working, then there is more FICA tax coming in, more Social Security tax coming in. But it does not help in the long run because there is a direct relationship to wages while you are paying in and eventually the benefits that you are going to be taking out. So when the economy grows, workers pay more in taxes, but it also will earn more in benefits when that individual retires. Growth makes the numbers look better now but leaves a larger hole to fill later.

The administration has used, I think, sometimes, these shortcut figures to say that the desperation date of when we are going to run out of money is increasing, and that certainly happens with a strong economy.

Now, Social Security trust funds versus the Social Security's shortfall. A lot of people suggest that if government would just keep their hands off that surplus money coming in, that Social Security Trust Fund, everything would be okay.

I wanted this chart to show the relative difference between what is in the trust funds, the IOUs that are now down in Virginia, and where we have borrowed $1.4 trillion from Social Security over the years. But the shortfall, as you remember, is $12 trillion. So even if we pay all this money back, and we will, somehow. We will pay it back with extra borrowed money or we will increase taxes on the workers in those years when we make the change. The money will be paid back, but it is going to be very difficult as we continually depend on tax increases to solve the Social Security problem.

Let me tell you why I am saying that. The situation is real in countries like France and Germany and Japan, where the senior population is a larger percent of the working population than it is in this country. The payroll taxes in France, for example, now are at about 50 percent. So an individual goes to work and works and earns so much money and half of that money is taken out for their taxes to cover the seniors in that country. In this country, we are up to 15.2 percent for our FICA tax. France is at 50 percent. Guess what Germany is? Germany has just passed a 40 percent payroll tax to cover the benefits for their senior population, and Japan is overwhelmed with the problems of their senior population as they try to tax workers.

You can understand that if you have that high of a tax, that businesses, that industry, that companies have to pay out, it comes from two places. They have to increase the price of their product or they decrease the salary and wages they are paying to their workers; and that makes them, that makes that country much less competitive. So you can sort of understand, simply by looking at the payroll taxes in France, some of their problems that they are now having with what I understand is 10 percent unemployment and some of the problems they are having with trying to compete with the United States and other countries.

The biggest risk for Social Security is doing nothing at all. Social Security has a total unfunded liability of over $12 trillion. The Social Security trust funds contain nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent or we will continue increasing the debt of this country and the borrowing, which means that there is going to be a mounting interest rate.

When we look at the interest rate expense for this country, that is based probably on one of the lowest interest rates that we have had in a long time. So if interest rates go back up to normal, that can eat up twice the amount of the total spending budget that we now have simply because of the propensity of Members of Congress to spend more, to make more promises without knowing how those promised benefits are going to be paid for.

This is the diminishing returns on Social Security, and the reason that I made this chart is to demonstrate that Social Security is not a good investment. The real return of Social Security is less than 2 percent for most workers and shows a negative return for some, compared to over 7 percent for the general market. So if you happen to be a minority, which means on average you die before you reach the 65-year-old retirement for maximum benefits, so the average return on the investment for minority workers is a

negative figure. If you are average, then you average just under a 2 percent return.

But compare this with the Wilshire 5000 Index, where that index, in equities, has earned 11.86 percent, and that is after inflation, over the decade ending January 31, 2004. That is even through the slumping years of 2001 and 2002 and somewhat in 2003.

□ 2200

This is how long you are going to have to live after you retire if you are going to break even on what you and your employer have paid in to Social Security. The people who retired in 1940 at the beginning of the program, it was pretty good. They only had to live 2 months after retirement. By 1995, you had to live 16 years after retirement to get your Social Security checks coming in to break even. By 2005, now you have to live 23 years after. By 2015, you are going to have to live 26 years to break even on what you and your employer have paid in to Social Security. This is what we have done to American workers. There are 78 percent of American workers that pay more in the FICA tax, the Social Security tax, than they pay in the income tax. So in terms of tax breaks for working Americans, we should be looking at possibly lowering their FICA tax, because that is where they are spending the money.

Let me go into my proposals for changing Social Security. I chaired the bipartisan Social Security task force. After about a year, every member of that task force agreed that we had to do something very quickly to save Social Security. The tendency of Congress is you wait until the disaster hits and then you make changes. But the longer we wait to solve Social Security, the longer we wait to solve the Medicare and Medicaid problem the more drastic those solutions are going to be. The six principles that I think are reasonable are protect current and future beneficiaries; allow freedom of choice; preserve the safety net, in other words, leave some of that trust fund money available; make Americans better off, not worse off; create a fully funded system; and no tax increases.

I have introduced legislation. This is my 12th year in Congress. I have introduced Social Security legislation ever since I first came to Congress. Actually, I wrote my first bill when I was chairman of the Michigan Senate finance committee, because it was obvious, even in the late eighties and early nineties, that Social Security was heading for a cliff of very serious financial problems of solvency. The people choosing to participate in the voluntary account program would continue to receive benefits directly from the government. This is my bill that I introduced a few months ago. Those benefits would be offset based on the amount of money deposited into their account and not on the amount of money earned in the account. This means that workers could expect to earn more from their accounts than was the offset for the Social Security benefits that would be reduced.

It is interesting to observe some of the municipalities that have elected to have their own personal retirement savings plans rather than have Social Security. When we passed the Social Security bill and started it in 1935, the option for State government and local government was to allow them to opt out of Social Security. Some of those counties now in the United States that opted out of Social Security are having retirees with benefits as high as 40 and 50 and $60,000 a year because of personal investments as opposed to the general Social Security program that has ended up with a 1.7 percent return on Social Security.

I think it is important to mention that part of Social Security is the disability program. The disability insurance program is not touched by anyone that has suggested any changes in Social Security, so the insurance part of that program continues to be a government insurance program to protect eligible workers and make payments if they are injured on the job.

The worker accounts, the question is, can we do better? Is there some way to earn more than the 1.7 percent that we are now earning on Social Security dollars coming in? All worker accounts would be owned by the worker and invested through pools supervised by the government. In other words, they would be limited to index stocks, index bonds, index cap funds, and investments otherwise determined by the Secretary of the Treasury to be safe investments. So the investments are limited, just like anybody that works for government now. Our Federal payroll deductions go into a Thrift Savings Plan with individual employees and members able to choose how much of the money goes into each plan, but there is a limited choice on the number of plans that you are eligible to invest in. Regulations would be instituted to prevent people from taking undue risks. And until the account balance reaches $2,500, a worker would be limited to choosing one of three funds, an 80 percent bond/20 percent stock fund or a 60/40 fund or a 40/60 fund. And after the balance reaches $2,500, workers would have access to additional safe funds as determined by the Secretary of the Treasury.

The legislation that we introduced, and this was bipartisan legislation with Republicans and Democrats that signed on to my bill, the bill would increase contribution limits for IRAs and 401(k)s and pension plans. I put this in the bill because I think it is important that we increase the savings of the United States. The savings of the United States is one of the lowest savings rates in the world. And so how do we get back to the days where the United States had one of the highest savings rates in the world? I think allowing some tax advantages to encourage savings is part of the motivation that can bring us back to a reasonable savings.

The legislation I introduced would create a 33 percent tax credit for the purchase of long-term care insurance up to $1,000, $2,000 for a couple. It would create a tax credit to make it easier for low-income seniors to live at home or with family rather than going to retirement care. And low-income seniors would be eligible for the $1,000 for expenses related to living in their own home. Households caring for dependent parents would also be eligible for a $1,000 credit for expenses.

I call this fairness for women. I suppose if I was politically correct, I would call it fairness to spouses. But generally women have been shortchanged in the Social Security program. These are the changes that are incorporated in my legislation. For married couples, account contributions would be pooled and then divided equally between husband and wife. In other words, if one spouse was making $80,000 a year and the other spouse was making $20,000 a year, they would be added together; and the eligibility at $50,000 for each spouse and the percentage allowed to go into their private investment account would be based on adding the two incomes together and dividing by two. So both husband and wife would have exactly the same amount every year in their personally owned savings account.

The legislation would increase surviving spouse benefits to 110 percent of the higher earning spouse's benefit. Somehow we need to have programs that encourage seniors to stay in their own homes rather than nursing home care that can cost 40, 50, $60,000 a year. This is one of the areas that instead of the current law that says you could have 100 percent of that higher benefit, this legislation would increase it to 110 percent of the higher benefit. The stay-at-home mothers with kids under 5 would receive retirement credit. So for those limited years that they have children under 5 years old, they would be credited for the 35 years that is being used to determine benefits. For those years that they are at home with these young kids, they would be credited with the average earnings for those higher income years.

The Retirement Security Act has been scored by the Social Security actuaries to restore long-term solvency to Social Security. There would be no increases in the retirement age, changes in benefits for seniors or near seniors, or changes in the Social Security COLA. Solvency would be achieved by recouping a portion of the higher returns from worker accounts and slowing the increase in benefits for the highest earning retirees.

So what we do to help come up with the money to keep this program solvent is we reduce the increase in benefits for higher-income retirees, and secondly we allow a personal investment that can earn more money, but that individual worker still can have a retirement benefit that even though they are

working in modest income, they can retire at very much higher incomes. The bill would also call for a loan of $900 billion from the general fund to Social Security to ease in the transition as we go into some of these private accounts. That loan is paid back over the years.

When I introduced my first bill in 1994 and 1996, it was not necessary to borrow that money because the surplus coming in in those early years was so much greater. Now the surplus coming in from Social Security is declining; and, of course, as we noted on the one chart, it is going to run out.

The program, the trust fund continues. The Retirement Security Act would allow workers to create on a voluntary basis accounts funded from their payroll taxes. It would be in their name; so if they die before the age of 65, they own the money. The money would go to their heirs and their kids. The accounts would start at 2.5 percent of income and would reach 8 percent of income by 2075. Workers would own the money in their accounts. It is their money. Investments would be limited and widely diversified and investment providers would be subject to government oversight. The government would supplement the accounts of low-income workers making less than $35,000 a year to ensure that the lower income workers build up the kind of equity that is going to allow them to retire with much higher incomes.

The kind of spending that we have had in Congress means higher taxes are coming, maybe not in the next year or two, but eventually. The same Congress that could not bring itself to add a few real reforms to Medicare in a gigantic benefit expansion bill is not likely to cut benefits to the degree necessary to head off financial crisis. I take some comfort in what is happening this year from a new willingness among many Members of the Republican Conference to tighten our line on spending. And though some Members express concerns that maybe you should not have cuts in an election year, the overwhelming majority of Republicans agree that we have got to cut down on spending, we have got to have some kind of PAYGO rules that put some teeth, if you will, into assuring that we are going to limit spending. Joining with colleagues who share my concern with government overspending, we are going to reimpose those caps that we had in the 1980s and through the surplus period of the late 1990s.

Another aspect of the solution is improving the honesty of government accounting. I would like to mention, Mr. Speaker, a bill that I am introducing to require the CBO, the Congressional Budget Office, and OMB to include unfunded liabilities, the $73.5 trillion that we mentioned, in their budget projections. So it is legislation that is going to make us more aware of the fact that we are making more promises than we can afford.

To put $73.5 trillion in perspective, it amounts to 7 years of the gross domestic product of the United States, more than 30 times the President's proposed budget for this year; and it means that with 290 million Americans divided into that $73.5 trillion, every man, woman and child has a responsibility for more than $250,000. Some people have said that we should not worry so much about unfunded liability because it can be wiped out by reforms. I think that is the challenge. Are we going to do reforms this election year? Or are we going to put off those reforms until maybe after the election and try to do them next year?

□ 2215

Congress and the President I think can redeem their record on spending to a large degree if they push hard for Social Security reform after this election. But it remains to be seen whether we will take on that fight, and it will be a fight because steeply progressive taxes and big government have been combined to form a powerful electoral bloc.

Here again that bloc is 50 percent of earners in this country pay less than 1 percent of the income tax; and, as with health care, somehow everybody has got to participate in the taxes that run this government if they are going to look at their demands for increased government and know somehow that it affects their particular pocketbook. The same is true with Medicare and Medicaid. Somehow the reasonableness of those that are frugal in demanding additional health care need to have some kind of reward and those that are wasteful need to have some kind of scolding.

The old system, of course, before Medicare and Medicaid was that one worked hard and they earned money and they wanted to save that money, so they were very careful how they spent that money for health care and they asked the doctor, look, how much is this going to cost and why are you charging me this much on the bill? But when there are third-party payers, when government is paying the full bill, it is easy not to be as conscientious in demanding accountability from health care providers.

Empires decline when they fail to act on fundamental problems; and I wonder at times, Mr. Speaker, if we are not too distracted by endless scandals and horse-race politics of our media culture to grapple with what is best for our country. Too often, politics get reduced entirely to who benefits and who pays, but there have been times when I have been both surprised and inspired by the American people, by the people in this Chamber and the Senate and the White House who say we have got to come to grips with real problems that are facing this country. Despite the fact that it would sometimes seem easy to say, well, let us tax the rich and spend more money for the less rich and divide the wealth, I think it is important to remember that this country was built on a foundation and a motivation where those individuals that worked hard and saved, that tried and invested and that were careful with their spending ended up better off than those that did not.

So as we come with legislation that sometimes on the surface seems attractive to divide the wealth, I think we have got to be very careful; and this gives me help and hope.

As Lincoln concluded at Gettysburg ''that this Nation under God shall have a new birth of freedom and that government of the people, by the people, and for the people shall not perish from the earth,'' I think he was right because we are going to come to grips with these problems.

It is just important that the American people this year remind their elected representatives. In fact, I say to the American people when they go to debates to ask those individuals running for President, those individuals running for the U.S. Senate, those individuals running for the U.S. House of Representatives, ''What bill have you sponsored or signed on to to save Social Security and to save Medicare?'' Do not let them give a lot of fast talk, but ask exactly what are they going to do to deal with this huge unfunded liability that this country is facing, where promises have far exceeded our ability to pay for them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. DELAY) for today until 5:00 p.m. on account of medical reasons.

Mr. HULSHOF (at the request of Mr. DELAY) for today and March 31 on account of family reasons.

SPECIAL ORDERS GRANTED

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

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

Mr. EMANUEL, for 5 minutes, today.

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

Ms. NORTON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

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

Mrs. JOHNSON of Connecticut, for 5 minutes, March 31.

Ms. ROS-LEHTINEN, for 5 minutes, March 31 and April 1.

Mr. HENSARLING, for 5 minutes, today.

Mr. PORTMAN, for 5 minutes, March 31 and April 1.

Mr. FLAKE, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. CARSON of Indiana, for 5 minutes, today.

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

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 31, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7328. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 04–04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7329. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of a determination and certification on a chemical weapons proliferation sanctions matter; to the Committee on International Relations.

7330. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Cirsium Ioncholepis (La Graciosa thistle) (RIN: 1018–AD88) received March 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7331. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 031126297–3297–01; I.D. 021204A] received 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7332. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031126295–3295–01; I.D. 021204B] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7333. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Zone Off Alaska; Provisions of the American Fisheries Act [Docket No. 030819206–4051–02; I.D. 020204A] (RIN: 0648–AR42) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7334. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031126297–3297–01; I.D. 022304C] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7335. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fishery; Guideline Harvest Levels for the Guided Recreational Halibut Fishery [Docket No. 011206293–3182–02; I.D. 020504A] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7336. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 031126297–3297–01; I.D. 020204B] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7337. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the Annual Report of Little League Baseball, Incorporated for the fiscal year ending September 30, 2003, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

7338. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–401 and –402 Airplanes [Docket No. 2004–NM–11–AD; Amendment 39–13508; AD 2004–05–13] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7339. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2004–NM–20–AD; Amendment 39–13507; AD 2004–05–12] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7340. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes [Docket No. 2002–NM–334–AD; Amendment 39–13509; AD 2004–05–14] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7341. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes [Docket No. 2001–NM–148–AD; Amendment 39–13506; AD 2004–05–11] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7342. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and –145 Series Airplanes [Docket No. 2002–NM–178–AD; Amendment 39–13512; AD 2004–05–17] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7343. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 Airplanes [Docket No. 2003–NM–258–AD; Amendment 39–13516; AD 2004–05–21] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7344. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell DOuglas Model DC–10–10, DC–101–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, MD–10–30F, MD–11, and MD–11F Airplanes [Docket No. 2001–NM–362–AD; Amendment 39–13515; AD 2004–05–20] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7345. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 700 Series Turbofan Engines [Docket No. 2003–NE–55–AD; Amendment 39–13526; AD 2004–05–31] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7346. A letter from the Acting Administrator, Department of Health and Human Services, transmitting a request to consider publication of the proposed rule on the Inpatient Prospective Payment System (PPS) dated May 4, 2001 as the report to Congress required by section 533(a)(1) of the Benefits Improvement and Protection Act (BIPA) of 2000; to the Committee on Ways and Means.

7347. A letter from the Comptroller, Department of Defense, transmitting notification of an intent to transfer funds from the Defense Working Capital Funds to the Operation and Maintenance Appropriations, pursuant to Public Law 108–87, section 8006; jointly to the Committees on Armed Services and Appropriations.

7348. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting amended Fiscal Procedures Agreement and revised Article X of the Federal Programs and Services Agreement, as negotiated with the Federated States of Micronesia (FSM) so as to conform with sections 104(j) and 105(f) and (i) of the Compact of Free Association Amendments Act of 2003 (Pub. L. 108–188); jointly to the Committees on International Relations and Resources.

7349. A letter from the General Counsel, Department of Defense, transmitting the Department's legislative initiatives for inclusion in the National Defense Authorization Act for FY 2005; jointly to the Committees on Armed Services, Energy and Commerce, Transportation and Infrastructure, Education and the Workforce, House Administration, Ways and Means, Veterans' Affairs, the Judiciary, Government Reform, Small Business, International Relations, and the Budget.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3658. A bill to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; with an amendment (Rept. 108–453). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 585. Resolution providing for the consideration of the resolution (H. Res. 581) expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States (Rept. 108–454). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MICA (for himself, Mr. DEFAZIO, and Mr. ISRAEL):

H.R. 4056. A bill to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mrs. NORTHUP, Mr. SHAYS, Mr. NEY, Mr. SIMMONS, Mr. PICKERING, Mr. TIBERI, Ms. PRYCE of Ohio, Mr. MATHESON, Mrs. JOHNSON of Connecticut, Mr. CAPUANO, and Mr. REYNOLDS):

H.R. 4057. A bill to establish a grant program administered under an agreement among the Secretaries of Housing and Urban Development, Health and Human Services, and Veterans Affairs, in consultation with the U.S. Interagency Council on Homelessness, to address the goal of ending chronic homelessness through coordinated provision of housing, health care, mental health and substance abuse treatment, supportive and other services, including assistance in accessing non-homeless specific benefits and services, and for other purposes; to the Committee on Financial Services.

By Mr. HYDE:

H.R. 4058. A bill to authorize assistance for civilians in foreign countries who have been affected by conflict, and for other purposes; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. NADLER, Mr. MCHUGH, Mr. HINCHEY, Mr. MCNULTY, Mr. OWENS, Mr. WEINER, Mr. SERRANO, Mr. TOWNS, Mr. GRIJALVA, Mr. BISHOP of New York, and Mr. RANGEL):

H.R. 4059. A bill to provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, and Mr. SMITH of Michigan):

H.R. 4060. A bill to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. ROHRABACHER, Mr. LANTOS, Mr. HYDE, Ms. MCCOLLUM, and Mr. LEACH):

H.R. 4061. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries; to the Committee on International Relations.

By Mr. MANZULLO (for himself and Ms. VELÁZQUEZ):

H.R. 4062. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through June 4, 2004, and for other purposes; to the Committee on Small Business.

By Mr. BALLANCE:

H.R. 4063. A bill to authorize States, in the event of inadequate Federal funding under part B of the Individuals with Disabilities Education Act, to waive certain requirements of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. BLACKBURN (for herself, Mr. CALVERT, Mr. SMITH of Texas, Mr. SOUDER, Mr. TANCREDO, Mr. ISSA, Mr. GOODE, Mr. ROYCE, Mr. KING of Iowa, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, and Mr. GALLEGLY):

H.R. 4064. A bill to require certain Federal service contractors to participate in a pilot program for employment eligibility confirmation; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 4065. A bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available to a veteran, and to provide for annual adjustments to such amount; to the Committee on Veterans' Affairs.

By Mr. COLE:

H.R. 4066. A bill to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes; to the Committee on Resources.

By Mr. GILCHREST (for himself, Mr. OLVER, Mr. SHAYS, Mr. VAN HOLLEN, Mr. BOEHLERT, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Mr. MENENDEZ, Mr. SIMMONS, Mr. WAXMAN, Mr. GREENWOOD, Ms. DEGETTE, Mr. HOUGHTON, Ms. LOFGREN, Mr. EHLERS, Mr. FORD, Mr. WALSH, Mr. UDALL of Colorado, Mrs. KELLY, and Ms. SOLIS):

H.R. 4067. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that will limit greenhouse gas emissions in the United States, reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE:

H.R. 4068. A bill to amend the Help America Vote Act of 2002 to postpone the deadline by which a State is required to meet the election administration requirements of the Act until the total amount appropriated to the State for requirements payments under the Act is equal to or greater than the costs incurred by the State in meeting such requirements; to the Committee on House Administration.

By Mr. HINCHEY:

H.R. 4069. A bill to amend the Communications Act of 1934 to prevent excessive concentration of ownership of the nation's media outlets, to restore fairness in broadcasting, and to foster and promote localism, diversity, and competition in the media; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself and Mr. LARSON of Connecticut):

H.R. 4070. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. MCHUGH:

H.R. 4071. A bill to extend the time within which claims may be filed under the September 11th Victim Compensation Fund; to the Committee on the Judiciary.

By Ms. MILLENDER-MCDONALD (for herself and Mrs. CAPITO):

H.R. 4072. A bill to authorize the Director of the Centers for Disease Control and Prevention to conduct minority health programs; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas (for himself and Mr. POMEROY):

H.R. 4073. A bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mrs. MUSGRAVE, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. TOOMEY, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. PENCE, Mr. CHABOT, Mr. BARRETT of South Carolina, Mr. FLAKE, Mr. GARRETT of New Jersey, Mr. FEENEY, Mr. CULBERSON, Mr. WELDON of Florida, Mrs. MYRICK, Mr. ISTOOK, and Mr. GUTKNECHT):

H.R. 4074. A bill to amend section 1105 of title 31, United States Code, to require the President to include the estimated unfunded liabilities of all Federal programs in annual budget submissions; to the Committee on the Budget.

By Mr. SMITH of Michigan (for himself, Mr. HOSTETTLER, and Mr. MILLER of Florida):

H.R. 4075. A bill to amend the Internal Revenue Code of 1986 to increase the amount of capital losses which may offset ordinary income; to the Committee on Ways and Means.

By Ms. SOLIS (for herself, Ms. DEGETTE, and Ms. WOOLSEY):

H.R. 4076. A bill to prohibit the manufacture, processing, or distribution in commerce of pentabrominated diphenyl ethers and octabrominated diphenyl ethers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBEY (for himself, Mr. ALLEN, Ms. DELAURO, Mr. EVANS, Mr. FATTAH, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. OLVER, Ms. SCHAKOWSKY, Mr. TIERNEY, and Mr. UDALL of New Mexico):

H. Con. Res. 401. Concurrent resolution revising the concurrent resolution on the budget for fiscal year 2005; to the Committee on the Budget.

By Mr. TANCREDO (for himself and Mr. PAYNE):

H. Con. Res. 402. Concurrent resolution recognizing the involvement in or support for acts of international terrorism by senior officials of the Government of the Republic of the Sudan and calling on Sudan to cease its involvement in acts of international terrorism and to prosecute and punish any Sudanese officials who have supported or have been involved in acts of international terrorism; to the Committee on International Relations.

By Mr. OBEY (for himself, Mr. ALLEN, Ms. DELAURO, Mr. EVANS, Mr. FATTAH, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. OLVER, Ms. SCHAKOWSKY, Mr. TIERNEY, and Mr. UDALL of New Mexico):

H. Res. 583. A resolution revising the concurrent resolution on the budget for fiscal year 2005, as passed the House; to the Committee on the Budget

By Mr. EDWARDS:

H. Res. 584. A resolution providing for consideration of the bill (H.R. 548) to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes; to the Committee on Rules.

By Mr. FROST:

H. Res. 586. A resolution expressing the sense of the House of Representatives that an Aviation Maintenance Technician Day should be established in recognition of Charles Edward Taylor's invaluable contributions to aviation; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. CARDIN, Mr. PITTS, Mr. HASTINGS of Florida, and Mr. ADERHOLT):

H. Res. 587. A resolution expressing the sense of the House of Representatives regarding the recent outbreak of violence in Kosovo; to the Committee on International Relations.

By Mr. TIAHRT:

H. Res. 588. A resolution amending the Rules of the House of Representatives to repeal clause 3 of rule XXI relating to transportation obligation limitations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. CARSON of Indiana introduced A resolution (H. Res. 589) referring the bill (H.R. 3646) entitled ''A bill for the relief of Adela and Darryl Bailor'' to the chief judge of the United States Court of Federal Claims for a report thereon; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 106: Mr. VITTER.

H.R. 284: Mr. SHAYS.

H.R. 463: Mr. FILNER.

H.R. 548: Mr. CROWLEY, Mrs. LOWEY, Mr. SCOTT of Virginia, Mr. MEEHAN, and Mr. RUSH.

H.R. 570: Mrs. MUSGRAVE.

H.R. 728: Mr. ANDREWS.

H.R. 770: Mr. EMANUEL.

H.R. 792: Mr. JOHN.

H.R. 800: Mr. SIMPSON.

H.R. 806: Ms. MCCARTHY of Missouri.

H.R. 823: Mr. PETERSON of Minnesota.

H.R. 857: Mr. WILSON of South Carolina, Mr. COBLE, and Mr. DREIER.

H.R. 942: Mr. BELL.

H.R. 953: Mr. HALL and Mr. SMITH of Washington.

H.R. 1057: Ms. HARRIS and Mr. TURNER of Ohio.

H.R. 1083: Mr. UPTON, Mr. ROGERS of Alabama, Mr. WALSH, Ms. ROYBAL-ALLARD, and Mr. FILNER.

H.R. 1084: Mr. STENHOLM.

H.R. 1097: Mr. LAMPSON.

H.R. 1117: Mr. BARTLETT of Maryland.

H.R. 1120: Mr. BELL and Mr. RYAN of Ohio.

H.R. 1206: Mr. GOODE.

H.R. 1222: Mr. CRENSHAW.

H.R. 1310: Mr. HAYES.

H.R. 1336: Mr. BONNER and Mr. TANCREDO.

H.R. 1359: Mr. GONZALEZ.

H.R. 1608: Mr. PLATTS.

H.R. 1613: Ms. LORETTA SANCHEZ of California, Mr. WEINER, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1639: Mr. GORDON.

H.R. 1708: Mr. KLINE.

H.R. 1726: Ms. KAPTUR.

H.R. 1731: Mr. PORTER.

H.R. 1778: Mr. BLUMENAUER.

H.R. 1787: Mr. REHBERG.

H.R. 1824: Ms. PELOSI.

H.R. 1873: Mr. WOLF.

H.R. 1919: Mr. HOEFFEL, Mr. WEINER, Mr. HOLT, Mr. LAHOOD, and Ms. JACKSON-LEE of Texas.

H.R. 1924: Mr. STRICKLAND.

H.R. 1995: Mr. LAMPSON.

H.R. 2193: Mrs. BONO.

H.R. 2239: Mr. EMANUEL, Mr. PASTOR, Mr. BOYD, and Ms. BERKLEY.

H.R. 2265: Mr. MCNULTY.

H.R. 2402: Mr. OWENS.

H.R. 2404: Mr. PUTNAM, Mr. BURGESS, and Mr. PETRI.

H.R. 2527: Mr. KUCINICH.

H.R. 2612: Mr. RODRIGUEZ.

H.R. 2671: Mr. ROYCE.

H.R. 2699: Mr. RAMSTAD, Mr. DAVIS of Tennessee, Mr. WICKER, Mr. ROHRABACHER, Mr. WELLER, Mr. MCKEON, and Mr. GINGREY.

H.R. 2821: Mr. LAMPSON, Mr. HOLT, and Mr. COOPER.

H.R. 2824: Mr. BAIRD.

H.R. 2889: Mr. WELDON of Pennsylvania.

H.R. 2890: Mr. WELDON of Pennsylvania.

H.R. 2908: Mr. GORDON.

H.R. 2926: Mr. LEWIS of Georgia.

H.R. 3035: Ms. CORRINE BROWN of Florida.

H.R. 3111: Mr. LAHOOD, Mr. HINCHEY, Mr. BURNS, and Mr. BOSWELL.

H.R. 3133: Ms. SCHAKOWSKY.

H.R. 3204: Mr. BLUNT, Mr. BRADLEY of New Hampshire, Mr. HOEKSTRA, Mr. LEACH, Mr. YOUNG of Florida, and Mr. STENHOLM.

H.R. 3213: Mr. PUTNAM, Mr. KLINE, and Mr. MURPHY.

H.R. 3246: Mr. BEAUPREZ.

H.R. 3313: Mr. DUNCAN and Mr. STEARNS.

H.R. 3350: Mr. GORDON.

H.R. 3359: Mrs. MCCARTHY of New York and Mr. FRANK of Massachusetts.

H.R. 3369: Mr. BRADLEY of New Hampshire.

H.R. 3438: Mr. ANDREWS and Ms. HARRIS.

H.R. 3441: Mr. PAYNE, Mr. BLUMENAUER, Mr. LEWIS of Kentucky, Mr. VAN HOLLEN, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Mr. DOOLEY of California, and Mr. BRADLEY of New Hampshire.

H.R. 3513: Mr. UDALL.

H.R. 3561: Mr. HERGER.

H.R. 3563: Mr. PUTNAM.

H.R. 3673: Mr. OLVER.

H.R. 3716: Mr. GILLMOR, Mr. WILSON of South Carolina, Mr. BOEHLERT, Mr. BALLANCE, and Mr. MURPHY.

H.R. 3729: Mr. LARSEN of Washington, Ms. ESHOO, Mr. ISRAEL, Mr. LIPINSKI, Mr. GORDON, Mr. MCGOVERN, Mr. CROWLEY, Ms. MCCOLLUM, Mr. DICKS, Mr. FRANK of Massachusetts, and Mr. HOEFFEL.

H.R. 3731: Mr. ANDREWS.

H.R. 3756: Mr. ROGERS of Michigan, Mr. MCGOVERN, Mr. JACKSON of Illinois, and Mrs. MCCARTHY of New York.

H.R. 3763: Mr. TIERNEY.

H.R. 3801: Mr. HENSARLING, Mr. POMBO, and Mr. RYUN of Kansas.

H.R. 3803: Mr. MCNULTY.

H.R. 3810: Mr. BROWN of Ohio and Mr. PAYNE.

H.R. 3818: Mr. MATHESON, Mr. HOEFFEL, Ms. MAJETTE, Ms. SLAUGHTER, and Mrs. DAVIS of California.

H.R. 3833: Mr. SCOTT of Georgia.

H.R. 3881: Mr. COOPER, Mr. TIERNEY, Mr. ALLEN, Ms. HARMAN, Mr. MEEKS of New York, Mrs. MALONEY, and Mr. STRICKLAND.

H.R. 3888: Mr. SANDLIN.

H.R. 3889: Mr. EHLERS and Mr. MCHUGH.

H.R. 3916: Mr. ENGLISH.

H.R. 3920: Mr. ADERHOLT, Mr. SESSIONS, and Mr. BALLENGER.

H.R. 3921: Mr. MOORE.

H.R. 3951: Mr. THOMPSON of Mississippi, Mr. HOSTETTLER, Mr. LANGEVIN, and Mr. COOPER.

H.R. 3974: Mr. PRICE of North Carolina and Mr. CLAY.

H.R. 3981: Mr. BONNER.

H.R. 4007: Mr. SENSENBRENNER.

H.R. 4008: Mr. BURR, Mr. FROST, and Mr. TOWNS.

H.R. 4010: Mr. PORTER.

H.R. 4011: Mr. BURTON of Indiana, Mr. PAYNE, and Mr. MCCOTTER.

H.R. 4023: Mr. PICKERING.

H.R. 4032: Ms. BERKLEY.

H.J. Res. 46: Mr. GINGREY.

H.J. Res. 62: Mr. GREENWOOD.

H. Con. Res. 47: Mr. GONZALEZ.

H. Con. Res. 56: Mr. COBLE and Mr. JONES of North Carolina.

H. Con. Res. 247: Mr. UPTON.

H. Con. Res. 276: Ms. SCHAKOWSKY.

H. Con. Res. 310: Mr. DEMINT.

H. Con. Res. 314: Mr. THOMPSON of Mississippi and Mr. COSTELLO.

H. Con. Res. 318: Mr. ROYCE, Mr. DOOLITTLE, Mr. WAMP, and Mr. BISHOP of New York.

H. Con. Res. 326: Mr. MCCOTTER.

H. Con. Res. 332: Mr. PITTS, Ms. HARRIS, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Mr. COBLE, Mr. OLVER, Mr. RANGEL, Mr. RENZI, Mr. BURGESS, Mr. PASTOR, Mr. SMITH of Washington, and Mr. HONDA.

H. Con. Res. 346: Mr. MEEKS of New York.

H. Con. Res. 352: Mr. MCCOTTER, Ms. LEE, and Mr. ROYCE.

H. Con. Res. 371: Mr. RENZI and Mr. COOPER.

H. Con. Res. 375: Mr. RYAN of Ohio, Mr. GOODE, Mr. GONZALEZ, Mr. HOSTETTLER, and Mr. STRICKLAND.

H. Con. Res. 378: Mr. LANTOS, Mr. JONES of North Carolina, Mr. CLAY, Mr. SANDERS, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. SNYDER, Ms. NORTON, Mr. MCCOTTER, Ms. ESHOO, Ms. DELAURO, Ms. LEE, and Mr. TERRY.

H. Con. Res. 380: Mr. DAVIS of Tennessee, Ms. LOFGREN, Mr. CONYERS, and Mr. OWENS.

H. Res. 402: Mr. HAYES, Mr. GORDON, and Mr. CHANDLER.

H. Res. 514: Mr. WOLF and Mr. MURPHY.

H. Res. 550: Mr. ETHERIDGE, Mr. CASE, Mr. BOUCHER, and Mr. GONZALEZ.

H. Res. 556: Mr. EHLERS.

H. Res. 558: Mr. TURNER OF TEXAS.

H. Res. 563: Mr. SMITH of New Jersey and Mr. FLAKE.

H. Res. 576: Mr. FORBES, Mr. GREEN of Wisconsin Mr. MCCOTTER, Mrs. MALONEY, Mr. MEEHAN, Mr. COBLE, and Mr. WEINER.

H. Res. 578: Mr. MEEKS of New York, Ms. HARRIS, Mr. GREEN of Texas Mr. LAMPSON, Mr. BACA, Mr. TIBERI, and Mr. GONZALEZ.

H. Res. 579: Mr. STARK and Mr. VISCLOSKY.