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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

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House of Representatives

The House met at 9 a.m.

The Reverend Ronald J. Nuzzi, Director, ACE Leadership Program, University of Notre Dame, offered the following prayer:

In every age, O Lord, You have been our refuge. So we seek Your wisdom that justice may flow from our deeds. Bless the work of our hands this day.

By the power of Your outstretched arm, open our eyes to see the needs of all who suffer, our ears to hear the cry of the poor, our hearts to feel the anguish of those who do not know freedom.

Hear our prayers, O Lord, as they rise up to You from this, the people's House. To these deliberations bring a spirit of wisdom and understanding.

Grant us a vision of the world as Your love would have it, a world where the weak are protected and children do not go hungry; a world where the riches of creation are shared by all; a world where all cultures and races live in harmony and respect; a world where peace is built with justice and justice is guided by love.

Make us prudent in our planning, courageous in taking risks, patient in suffering, unassuming in prosperity.

As You have been in every age, O Lord, be our refuge and our strength now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. RYAN of Ohio 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.

WARM WELCOME FOR THE REVEREND RONALD J. NUZZI

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

Mr. RYAN of Ohio. Mr. Speaker, I would just like to take this opportunity to thank Father Ron Nuzzi for his uplifting prayer this morning and his great work not only in the Catholic Church but in his leadership and developing catholic school teachers through his program at University of Notre Dame. He is a lifelong friend of mine and my family and has been there for me and my family for every special occasion, good and bad, that our family shares. So I would like to take this opportunity to thank him again for his wonderful prayer this morning.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, April 20, 2004, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 8 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker of the House presided.

The SPEAKER. To all of you I want to say good morning. On behalf of the House of Representatives, I am happy to welcome to the Chamber very good friends of this institution, former Members of Congress.

You are not only friends of this institution; you are also friends of ours, and we look forward to this opportunity every year when we have this chance to visit with you and catch up on each other's lives.

Every one of you has spent precious years of your life, some of the best years of your life, working to represent the needs and concerns of the American people right here in this Chamber.

Your commitment to your Nation did not end when you left the halls of Congress. Many of you have committed to serve the Nation in many other honorable ways.

Senator Sam Nunn is one of those people, and he currently is an ideal and worthy choice to receive the Distinguished Service Award.

While deprived of the opportunity to serve in the House, Senator Nunn served the other body with great distinction. Known as an expert on defense issues, Senator Nunn was respected by both sides of the aisle for his sense of fair play, his patriotism, and his commitment to the security of this Nation.

Finally, I would like to take this opportunity to thank all former Members for their continued efforts both home and abroad. Your outreach in college campuses throughout this country has helped to strengthen the work of our government and to encourage public service. Your support on parliaments around the world is invaluable, and I want to thank you for those efforts as well.

At this time, I would request that the gentleman from Missouri, Mr. Jack Buechner, vice president of the Former Members Association, take the chair.

Mr. BUECHNER (presiding). Will the Clerk call the roll of the former Members of Congress.

The Clerk called the roll of the former Members of the Congress, and the following former Members answered to their names:

Printed on recycled paper.

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 34TH ANNUAL SPRING MEETING, APRIL 22, 2004

Hon. Beryl Anthony (Arkansas)
Hon. William V. ''Bill'' Alexander (Arizona)
Hon. Robert E. Badham (California)
Hon. James J. Blanchard (Michigan)
Hon. John Brademas (Indiana)
Hon. William Broomfield (Michigan)
Hon. James T. Broyhill (North Carolina)
Hon. John H. Buchanan, Jr. (Alabama)
Hon. Jack Buechner (Missouri)
Hon. Richard R. Chrysler (Michigan)
Hon. James Coyne (Pennsylvania)
Hon. Norman D'Amours (New Hamsphire)
Hon. Joseph J. Dioguardi (New York)
Hon. Robert B. Duncan (Oregon)
Hon. Louis Frey, Jr. (Florida)
Hon. Benjamin A. Gilman (New York)
Hon. Ralph R. Harding (Idaho)
Hon. Marjorie Heckler (Massachusetts)
Hon. Dennis M. Hertel (Michigan)
Hon. Peter Hoagland (Massachusetts)
Hon. William J. Hughes (New Jersey)
Hon. Robert W. Kastenmeier (Wisconsin)
Hon. David S. King (Utah)
Hon. Robert ''Bob'' Krueger (Texas)
Hon. Lawrence P. ''Larry'' LaRocco (Idaho)
Hon. Jim R. Lightfoot (Iowa)
Hon. Marilyn Lloyd (Tennessee)
Hon. Matthew F. McHugh (New York)
Hon. Thomas McMillen (Maryland)
Hon. Lloyd Meeds (Washington)
Hon. Robert H. Michel (Illinois)
Hon. Dan Miller (Florida)
Hon. Richard Dale ''Dick'' Nichols (Kansas)
Hon. Sam Nunn (Georgia)
Hon. Stanford E. Parris (Virginia)
Hon. Howard W. Pollock (Arkansas)
Hon. John J. Rhodes, III (Arizona)
Hon. Ron Sarasin (Colorado)
Hon. Richard T. Schulze (Pennsylvania)
Hon. David E. Skaggs (Colorado)
Hon. Don Sundquist (Tennessee)
Hon. James W. Symington (Missouri)
Hon. Charles W. Whalen, Jr. (Ohio)
Hon. Harris Wofford (Pennsylvania)

□ 0915

Mr. BUECHNER (presiding). At this time Chair will recognize the President of the Former Members of Congress, the gentleman from Idaho, Larry LaRocco.

Mr. LAROCCO. My thanks to the Speaker pro tem and to all of you for being with us. We are especially grateful to Speaker HASTERT for taking time from his busy schedule to greet us and give us his warm welcome. It is very gratifying to see such a great turnout this morning.

It is always a privilege to return to this wonderful institution which we revere and where we shared so many memorable experiences. Service in Congress is both a joy and a heavy responsibility, and, whatever our party affiliation, we have great admiration for those who continue to serve this country in this unique institution. We thank them all for once again giving us this opportunity to report on the activities of the U.S. Association of Former Members of Congress.

This is our 34th Annual Report to Congress, and I ask unanimous consent that all Members be permitted to revise and extend their remarks.

The SPEAKER pro tempore. Without objection, so ordered.

Mr. LAROCCO. Mr. Speaker, our Association is nonpartisan, bipartisan, if you will. It has been chartered, but not funded by the Congress. We have a wide variety of domestic and international programs, which several other Members and I will discuss briefly. Our membership numbers approximately 560, and our purpose is to continue, in some small measure, the service to country that we began during our term in the Senate and the House of Representatives.

Our finances are sound. We support all our activities via three income sources: membership dues, program grants and our annual fund-raising dinner. In addition, we have had the good fortune of a bequest by Frieda G. James, whose husband, Benjamin Franklin James, served five terms in the House representing Pennsylvania as a Republican. Her kind gift to the Association has been a blessing, especially given the economic downturn over the past few years, which really took its toll on the nonprofit sector.

At our last Board meeting, the Board of Directors voted to commence an endowment fund campaign. The goal of this fund is to ensure the financial viability of the Former Members Association for many years to come. We envision a time when investment earnings of the endowment fund can be used to supplement the Association's budget during lean years, sort of a safety net to guarantee that tough economic times will not shut us down. In addition, the endowment fund can serve to expand the programs and reach of our Association and to support new ventures and services created by our staff members and Board. We will send you information about the endowment fund later this year, and I encourage you to become involved.

Mr. Speaker, I would now like to turn to the many programs and services the Former Members of Congress Association offers to its Members, to sitting Members of the House and Senate, and to the public at large.

Our most significant domestic activity, mentioned by the Speaker of the House this morning, is our Congress to Campus Program. This is a bipartisan effort to share with college students throughout the country our unique insight on the work of the Congress and the political process more generally.

A bipartisan team of Former Members spends up to 2.5 days on college campuses throughout the United States, meeting with students both in the classroom and outside, as well as with members of the faculty and the local community. This is a great experience for our Members, and it generates a deeper appreciation for our democratic form of government, as well as encouraging young people to participate actively in public service.

Since the program's inception in 1976, Former Members of Congress have reached more than 150,000 students through their visits to campuses in 49 States and the District of Columbia. In the 2003 and 2004 academic year thus far, we have visited 26 schools and in 18 States. The Association partners with the Center for Democracy and Citizenship and the Stennis Center for Public Service at Mississippi State University to administer this program.

At this point, I would like to yield to David Skaggs, the gentleman from Colorado, who currently serves at executive director of the Center For Democracy and Citizenship, to discuss the new administration and endeavors of the Congress to Campus Program.

David, just let me say on behalf of the Board and all of the members of the U.S. Association of Former Members of Congress how much we appreciate your dedication and your incredible administrative skills that you have lent to this program, to take us from doing about 10 programs a year to 26 so far, and we think we may even hit 40. But you will report to us right now. Thank you so much.

Mr. SKAGGS. I thank the gentleman for yielding. He has done a good job already in describing the fundamental purposes of the Congress to Campus Program, but let me report more fully to the Members here and to the Congress about our activities during this past academic year.

As Larry mentioned, we have two principal purposes for this program. One is to educate college students and faculty about how this wonderful institution operates, maybe with a little bit more insight than the textbooks typically give. Our other principal purpose is to really inspire young people to consider public service careers.

Finally, by having a bipartisan pair of former colleagues involved in this activity, we hope that we can model behavior that may have otherwise escaped their notice, that Republicans and Democrats actually can discuss issues civilly and work out their differences more often than not.

This is the second year of a major effort to expand the program, as the gentleman from Idaho mentioned. I want to thank all of the schools, all of my colleagues and the membership of the Association who have pitched in to make this possible, as well as the Association Board of Directors, and, in particular, our friends at the Stennis Center for Public Service down in Mississippi. We have had a wonderful working relationship with them.

All told, we have been able to expand this program now in the last 2 academic years from about on the average of 7 or 8 visits per year to this year's total of 26 domestic college and university visits and our first international Congress to Campus visit. That represents more than a 200 percent increase over the average in the past.

We try to make sure that this is being handled as professionally as possible, and so actually try to evaluate the program with some rigor with reports back in from schools, from the Members that make these visits, and, probably most importantly, from the

students that we interact with on these college and university campuses. We ask them to complete a little survey with a control group of students from the same schools that did not participate.

I am pleased to report that after a rigorous statistical analysis, I can tell the Members that this actually works, that the students that are exposed to this program have a significantly higher, one, propensity to think about public service careers than the students not exposed to it, and, even more miraculously, think better of public officials than do the students who have not had the treat of being involved with one of our Congress to Campus visits. So we should be encouraged that this really does matter.

Just to give the Members here who may not have participated a more fulsome idea of what a pleasure it is and how rewarding it is to participate, I would like to yield at this time, if I may, to my friend and colleague from the State of Iowa Mr. Lightfoot to share briefly his reflections on his Congress to Campus visit.

Mr. LIGHTFOOT. Thank you, David. I would say to all of our former colleagues, how come you are all looking so much older?

Actually, if David gives you a phone call, say yes. This was one of the greatest opportunities I think I have participated in in a long, long time. It was earlier this month, I went to Colby College up in Maine. I now live in Florida. The second call was to Sandy Maisel, who heads the political science department at Colby College. I asked him about the weather. I said, well, how about the ice report? He said they still have ice on the lakes, and we actually got almost a half of foot of snow the day we got there.

Martin Lancaster from North Carolina was my colleague on this trip. Most of you know Martin, a fine guy, a great guy to travel with. He now is continuing his life in public service with some 800,000 students in North Carolina in the community college system. Professor Maisel had a lot of fun with that while we were there, reminding the folks in his neighboring State of Vermont that they only had 500,000 people, and Martin had more people in his college system than they had in the entire State.

It was 2 days of fun. We went to a number of classes. This school was a little bit smaller, so they decided to split us up so they could get more out of having two former Members of Congress there. But due to the size of the school, we discovered a lot of cross-pollination. I would be at a class and say something, and somebody would say, Mr. Lancaster said that or disagreed with that this morning.

But it was a tremendous opportunity to try to sell public service to young people. That is really what our whole goal was. Whether it is to run for elective office, or to take their law or science degree or whatever and work in government, hopefully we have shone a little light on the value of public service, that it is more than a paycheck, there are a lot of great rewards for doing it.

David, I would just like to thank you for the opportunity to have participated. I am on your list to go again whenever. I would really seriously from the bottom of my heart encourage any of you, if David gives you a call, it is only a couple days, say yes. What I came away with was probably more than the students. Most of you know, if you work around young people, I am not so worried about tomorrow as I was before I went up there. There was a great bunch of young people. They will inspire you as well.

David, I thank you.

Mr. Speaker, I yield back.

Mr. SKAGGS. One of our real troopers this year was the gentleman from Washington, Mr. Meeds. I want to call on him for some reflections on his experience, if I may, as well.

Mr. MEEDS. Thank you, David, and especially thank you for the telephone call asking me to get involved in this program. It has really been a fine experience, at least for me, and I hope for the students that were out there.

I visited with two other Members from the other side, two colleges, one in North Carolina and one in New York State, and had a wonderful experience with the young people. I think the single strongest impression I had was that it brought to them a new impression of the Congress itself, a closer analysis of the Congress than they get in the daily newspaper or in their texts.

The bipartisanship which was displayed with the group, both groups with which I spent time, was outstanding. The Members on the other side and I disagreed on issues, we disagreed and were not disagreeable in front of these students, and took on some pretty tough ones. It was a good experience for us, and, I hope, a good experience for the students.

Mr. SKAGGS. Thank you.

Mr. Speaker, I submit a full report for the RECORD.

CONGRESS TO CAMPUS PROGRAM—REPORT TO THE ANNUAL MEETING OF THE U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS, APRIL 22, 2004

INTRODUCTION

The Congress to Campus Program addresses a significant shortfall in civic learning and engagement among the country's college-age young people, combining traditional educational content with a strong message about public service. The Program sends bipartisan pairs of former Members of Congress—one Democrat and one Republican—to visit college, university and community college campuses around the country. Over the course of each visit, the Members conduct classes, hold community forums, meet informally with students and faculty, visit high schools and civic organizations, and do interviews and talk show appearances with local press and media.

In the summer of 2002, the Board of Directors of the U.S. Association of Former Members of Congress (Association) engaged the Center for Democracy & Citizenship (CDC) at the Council for Excellence in Government to help manage the Congress to Campus Program (Program) in partnership with the Stennis Center for Public Service (Stennis). CDC and Stennis, with the blessing of the Association, have worked together since to increase the number of campuses hosting Program visits each year, expand the pool of former Members of Congress available for campus visits, develop new sources of funding, raise the profile of the Program and its message in the public and academic community, and devise methods of measuring the impact of the program at host institutions.

INCREASED QUANTITY AND QUALITY OF PROGRAM VISITS

This is the second year of the program expansion. In the 2003–2004 academic year, the Program sponsored visits to twenty-seven schools around the country—almost triple the number for the 2001–2002 academic year. [See Attachment 1—Roster of '03–'04 Academic Year Visits & Participants.] These visits took former Members to universities, service academies, colleges and community colleges in nineteen different states. While the total fell short of the goal of forty for the year, it should be noted that twelve additional scheduled visits had to be cancelled or rescheduled due to factors beyond the control of the program staff.

The ultimate goal is to have fifty Congress to Campus school visits per academic year. This is probably about the limit the Program can sustain with available Member participation, staff support and funding. This remains an ambitious goal, but at this early date twenty-five schools have already approached program staff to discuss hosting a 2004–2005 Congress to Campus visit. Given that a Presidential election year is likely to generate additional interest, we anticipate a significant increase in demand for Program visits.

In addition to an increase in number of visits, we continue to fine-tune the content and substance of Program visits based on feedback from Members and host professors. The Program asks visiting Members and host professors to complete an evaluation of each visit.

Those evaluations have prompted us to make several adjustments. We have trimmed the length of a campus visit to two full working days; limiting Members' time away from home and work to two working days plus travel time makes recruiting Members an easier matter. We also have reduced and restructured the use of ''open forum'' events during campus visits to insure greater student attendance and participation and eliminated campus tours in favor of activities that involve interaction between visiting Members and students. Finally, we have added to the list of suggested visit activities ''in service'' style meetings with high school civics and social studies teachers that allow Members to provide insights and encouragement to local teachers in their efforts to educate students about the U.S. government and civic responsibility.

The Program asks host schools to insure contact with at least 250 students over the course of a visit, and that number is often exceeded. For the past academic year, approximately 8000 students heard Members' unique story about representative democracy and their special call to public service.

A draft schedule of events is prepared in advance of each campus visit and reviewed by staff to assure variety as well as the substance. There is a conference call before each trip with Members and the responsible campus contact person to review the revised schedule and iron out any remaining problems. Members also receive CRS briefing materials on current issues and background information on government service opportunities prior to each visit.

RECRUITING MEMBER VOLUNTEERS FOR CAMPUS VISITS

The success of the Program obviously depends on Members' participation. With travel back and forth, Members end up devoting about three days to each campus visit. That is a priceless contribution of an extremely valuable resource.

Members of the Association were sent a survey again last summer to solicit information regarding their availability for and interest in a Program campus visit. Using responses to these surveys and direct contact with a number of former Members, CDC developed a pool of just over one hundred available former Members, and some forty-seven participated in visits this year. A ''bench'' of one hundred was deep enough to fill the openings during the current academic year, but more will be needed to meet the demands of the expanding schedule for next and future academic years. Association Members are encouraged to complete and return the survey they will receive in June and then to be ready to accept assignments to one of the fine institutions of higher education the program will serve next year.

FUNDING SOURCES

In addition to the generous contribution of money and staff time made each year by the Stennis Center for Public Service and the Association, several organizations provided funding to help with the expansion of the Congress to Campus Program for the academic years 2002–2003 and 2003–2004, including the Pew Charitable Trusts, the Carnegie Corporation of New York, and the National Cable & Telecommunications Association (NCTA). While Stennis' commitment to the Program is ongoing, funding from the other organizations ended in January 2004. In the spring semester, the American Association of Retired Persons provided a major gift and has pledged additional support. CDC and Stennis are continuing to work with the Association leadership and other organizations to find new sources of funding for Congress to Campus.

Host schools are expected to cover the cost of Members' on-site accommodations and local travel and to make a contribution to cover a portion of the cost of administering the Program. A suggested amount of contribution is determined according to a sliding-scale based on an institution's expenditures per pupil [see Attachment 2—Application Form]; a waiver is available to schools that are not able to pay the scale amount. Several schools received a full or partial waiver in 2003–2004. Still, school contributions produced several thousand dollars in support of the program.

The expansion of the Program—clearly justified by the interest expressed by schools seeking to host a first or a repeat visit and by the assessment of its positive effects (see below)—will require a significant increase in funding.

INTERNATIONAL INITIATIVE

Congress to Campus made its first international visit in October 2003 to the United Kingdom. An earlier Association study tour had laid the groundwork for the visit and established a relationship with Philip John Davies, Director, Eccles Centre for American Studies at The British Library and Dennis Spencer Wolf, Cultural Attache at the U.S. Embassy. Dr. Davies was instrumental in arrangements for the visit in London and at De Montfort University, Leicester, where he is Professor of American Studies. The Embassy assisted with travel and logistics. We undertook this first Program visit abroad as a trial run to determine whether other international visits might be worthwhile and practicable. The experience of our Members and of their British academic audiences suggests an international dimension for the Congress to Campus Program is a good idea. Preliminary discussions are now underway with potential sponsoring institutions in Europe, Asia and Latin America.

PROGRAM OUTREACH AND PUBLICITY

The increased number of institutions hosting and applying to host a Congress to Campus visit is the result of an aggressive outreach effort. Association leadership and numerous former Members, as well as staff at CDC and Stennis, have made many personal contacts on behalf of the Program. In addition, we are continuing the sustained promotional effort begun last year.

Articles about the Program have appeared in the newsletters of the Political Organizations & Parties Section of the American Political Science Association (APSA) and the Federal Relations section of the American Association of Universities. CDC Executive Director and former Member David Skaggs made a presentation in behalf of Congress to Campus to the APSA at its August 2003 convention in Philadelphia. Informational material has been emailed directly to the Chairs of all relevant APSA Sections, all members of the APSA Legislative Studies Section, as well as to many other college and university organizational contacts.

In the past, local and campus press and media have often covered Congress to Campus school visits. In addition to continuing that coverage, the Program encourages each host institution to make commercial print and broadcast media interviews a part of each Congress to Campus visit's schedule.

MEASURING THE PROGRAM'S IMPACT

Over the years, anecdotal information has tended to validate the basic premise of the Congress to Campus Program—that these visits by former Members of Congress positively affect students' views of public service and government officials. In an effort to confirm this anecdotal information, the Program asks host schools to have students complete one-page surveys. The surveys elicit students' views on public service careers and feelings about different categories of public officials; they are to be completed by a group of students who attended sessions with the former Members and by a control group of similar students who did not have contact with the former Members.

While all schools hosting a visit do not return the surveys, the data that was generated for the 2002–2003 academic year shows that the underlying goals of the Congress to Campus program are sound. Those students who have contact with former Members during their Congress to Campus visits have a measurably more favorable view of public servants and of public service as a career option than similar students who do not have the opportunity to interact with the visiting former Members.

Last year we reported preliminary findings for 2002–2003. That data has now been analyzed by the Center for Information and Research on Civic Learning and Engagement (CIRCLE) at the University of Maryland. Their report [see Attachment 3] confirms our preliminary finding and found that the Congress to Campus Program had a statistically significant positive impact on student's attitudes towards public service and public servants. We are still receiving data from the 2003–2004 academic year and will provide Members with a report as soon as that information is analyzed.

As previously discussed, the Program requests the principal contact at each host school to submit an evaluation of the visit. We receive valuable feedback on various aspects of each visit and try to incorporate lessons learned and helpful suggestions in the on-going effort to improve the Program. The best indication of satisfaction with the Program is the fact that every school visited this year has said it wants to do a Congress to Campus Program visit again.

CONCLUSION

The Program has made significant progress toward achieving its new goals. The number of campus visits has been increased nearly 200% this year over 2001–2002 levels. However, Program funding remains a matter requiring attention. Efforts to raise the public profile of the Program have met with some success, but more needs to be done. Finally, objective data supports the basic premise of the Congress to Campus Program: that campus visits by Members are effective in raising interest in public service careers and in improving attitudes about public officials among the students who participate in Program events.

Attachment 1

Congress to Campus Program

The United States Association of Former Members of Congress

2003 –2004 ACADEMIC YEAR VISITS AND PARTICIPANTS

Fall Semester

Bowling Green State University – September 16-18, 2003

Republican: *Bill Barrett (NE)*
Democrat: *Ken Hechler (WV)*

University of Texas at Austin – September 30-October 2, 2003

Republican: *Robin L. Beard, Jr. (TN)*
Democrat: *Butler Derrick (SC)*

Principia College – October 7-9, 2003

Democrat: *Martha Keys (KS)*
Republican: *George Wortley (NY)*

University of Georgia – October 14-16, 2003

Democrat: *Bob Carr (MI)*
Republican: *Orval Hansen (ID)*

Wesleyan University – October 14-16, 2003

Democrat: *Tony Beilenson (CA)*
Republican: Mickey Edwards (OK)

De Montfort University (UK) – October 20-25, 2003

Democrat: *Larry LaRocco (ID)*
Republican: *Lou Frey (FL)*

Attachment 1

University of Northern Iowa – October 27-29, 2003

Republican: *Bill Goodling (PA)*
Democrat: *Harold Volkmer (MO)*

SUNY Albany – October 28-30, 2003

Democrat: *Andy Jacobs (IN)*
Republican: *Jack Buechner (MO)*

Lake Forest College – November 3-5, 2003

Democrat: *Bruce A. Morrison (CT)*
Republican: *Ronald Sarasin (CT)*

Eastern Michigan University – November 4-6, 2003

Republican: *Peter Torkildsen (MA)*
Democrat: *Owen B. Pickett (VA)*

Baker University – November 9-11, 2003

Republican: *John J. Rhodes, III (AZ)*
Democrat: *Jim Slattery (KS)*

Dartmouth College – November 11-13, 2003

Republican: *Jan Meyers (KS)*
Democrat: *David Skaggs (CO)*

Sienna College – November 17-19, 2003

Democrat: *Lloyd Meeds (WA)*
Republican: *Steven T. Kuykendall (CA)*

Ursinus College – November 17-19, 2003

Democrat: *Michael Barnes (MD)*
Republican: *William Clinger (PA)*

Attachment 1

Spring Semester

University of Akron - February 3-5, 2004

Republican: *Dan Miller (FL)*
Democrat: *James Bilbray (NV)*

University of South Florida - February 11-13, 2004

Democrat: *Dennis Hertel (MI)*
Republican: *Edward Derwinski (IL)*

Western Carolina University - February 18-20, 2004

Republican: *Bill Zeliff, Jr. (NH)*
Democrat: *Lloyd Meeds (WA)*

Denison University - February 23-25, 2004

Democrat: *Robert Underwood (GU)*
Republican: *Arlen Erdahl (MN)*

Baker University – February 24th (additional activities)

Republican: *Jan Meyers (KS)*
Democrat: *William Roy (KS)*

U.S. Naval Academy - March 1-3, 2004

Republican: *Robin Beard (TN)*
Democrat: *Dick Swett (NH)*

Dickinson College – March 22-24, 2004

Democrat: *Matthew McHugh (NY)*
Republican: *Robin Beard (TN)*

Goucher College - March 29-31, 2004

Democrat: *Robert Kastenmeier (WI)*
Republican: *Jan Meyers (KS)*

Attachment 1

Fitchburg State University – April 5-7, 2004

Democrat: *George Hochbrueckner (NY)*
Republican: *Greg Laughlin (R-TX)*

West Virginia University - April 4-6, 2004

Republican: *Lou Frey (FL)*
Democrat: *Jim Lloyd (CA)*

Colby College - April 5-7, 2004

Democrat: *Martin Lancaster (NC)*
Republican: *Jim Lightfoot (IA)*

Western Kentucky University – April 5-6, 2004

Democrat: *David Skaggs (CO)*
Republican: *Ronald Sarasin (CT)*

Washington State University – April 21 & 22, 2004

Republican: *Barbara Vucanovich (NV)*
Democrat: *Sam Coppersmith (AZ)*

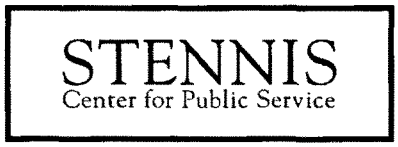
Attachment 2

Congress to Campus Program

The United States Association of Former Members of Congress

in partnership with

and



APPLICATION FOR CONGRESS TO CAMPUS VISIT

Please complete this form (you may include attachments as needed) and email, fax or mail copies to:

Congressman David Skaggs
Center for Democracy & Citizenship
1301 K Street NW, Suite 450 West
Washington DC 20005
Fax: 202-728-0422
Email: dskaggs@excelgov.org

Name of Institution _____

Address _____

Sponsoring Department _____

Responsible Contact Person _____
[This individual must have authority to act for the host school regarding all arrangements and aspects of the visit.]

Address _____

Email _____ Phone _____ Fax _____

Submitted by _____ Date: _____
[signature]

Revised 1.5.04

Attachment 2

Background on Institution [founding; governance; accreditations; degrees offered; student body size and characteristics; faculty size and characteristics; geographic area served; religious affiliation; endowment; if this information is readily available on your website, just provide the address for the website.] (Attach additional sheet, if needed.)

_____

_____

Please check those activities from the following list you expect tentatively to be able to include in the Members' schedules if your application for a visit is approved. Experience suggests that allocating most of the visit to a variety of classes works best.

- ❑ Introductory classes in political science or U. S. government [Please try to avoid multiple appearances in different sections of the same course.]
- ❑ Advanced classes in political science or U. S. government, including courses in the Congress, political theory or foreign affairs
- ❑ Classes in political philosophy or history*
- ❑ Classes in other disciplines [e.g., health, science, engineering, environment] for students who may be interested in public service careers or who simply need a better grounding in American government*
- ❑ ROTC classes
- ❑ One-on-one or "office hours" style meetings with individual students interested in public service or political careers [To work well, this option needs to be well publicized, preferably with advance sign-up.]
- ❑ Campus political clubs, e.g., Campus Democrats and Young Republicans
- ❑ Campus extracurricular activities or clubs with some public policy dimension, e.g., an environmental or international relations club
- ❑ Campus speaker series or open campus forum [Please be prepared to do some work to publicize such a session, or give class credit, or risk low attendance.]
- ❑ Meeting with student government organization or leadership
- ❑ Meetings with school president, chancellor, dean or other senior administrator [This option is offered if it meets a real need for your school; there is no need for a meeting just for protocol reasons; if included, should be *brief*.]
- ❑ Meeting with career counseling staff regarding public service
- ❑ Faculty departmental colloquium
- ❑ Interview with campus newspaper(s) and radio station
- ❑ Interview with local newspaper(s) and editorial board(s)
- ❑ Interview or talk show appearance with local radio station(s)
- ❑ Interview or talk show appearance with local TV station(s)
- ❑ Meeting with community service organization(s), e.g., Rotary, Lions, League of Women Voters
- ❑ Community talk or forum, e.g., "town hall" type meeting at a public library
- ❑ Class visits or assembly at local high school

* At least one class should be in a discipline other than political science or government studies.

Attachment 2

- ❑ "In-service" teacher training on Congress, federal government for middle and high school social studies teachers arranged through local school district(s)
- ❑ Major federal government installation or major private sector employer near campus able to host a session with a significant number of employees
- ❑ Meeting with local government officials, e.g., appearance at City Council or County Board session or meet with state legislators
- ❑ Other (specify) _____

While it is not possible to include all the activities suggested above, the schedule for each visit should include a good variety of activities and not be limited only to classes. Please include at least one class from outside the political science (or government studies) department. Visits typically cover 2 full days following Members' arrival, with no more than two nights on site. If Members arrive the evening before the schedule begins, they will expect to depart in time to get home the evening of the second day of scheduled events; if they arrive on a morning, they will expect to leave after noon on the third day. Activities may be scheduled from 8 or 9 AM until (as late as) 9 PM, including (some) meal times; for each 4 or 5 hours of scheduled time, an hour of "down" time should be set aside (this may be lunch hour), with facilities for Members to check emails and use a phone. Please attach a proposed schedule for your school visit, comprised of two full days, incorporating the elements tentatively checked above. Please indicate the number of students expected at each proposed activity. (The Program hopes for both quality and quantity, with substantive contact with at least 250 students during a visit as a goal.)

If your application is approved, you will need to submit a complete schedule for the visit at least one month prior to the visit; this is a critical deadline. For class presentations, the instructor for the course should provide brief written guidance to the Members in advance of the visit about what they should discuss during the class period and how it fits into the course (a copy of the course syllabus is helpful. Program staff may request revisions to the schedule if necessary to meet Program standards. Formal campus tours and other area touring are secondary to the Program's educational objectives and generally should be avoided.

Preferred dates for a visit that fit your academic calendar. _____

Transportation: nearest airport; distance from campus; means of transportation to

campus. _____

_____

Other considerations that make your school a good site for the Program. _____

_____

_____

Attachment 2

The host school is expected to cover the on-site expenses for Member accommodations, meals and local transportation. Please understand that the average Congress to Campus visit also entails about $5000 in administrative, overhead and transportation expenses. In order to make the Program as widely available as possible, we would also like to recover a portion of those costs, based on the host school's ability to pay. Please indicate the financial category applicable to your institution from the following schedule. _____

Host School Suggested Contribution

Category	Current expenditures per "full-time" student*	Suggested contribution
A	$30,000 or more	$3000
B	$20,000 to $29,999	$2000
C	$10,000 to $19,999	$1000
D	$9999 or less	$500

We do not want this cost-sharing goal to prevent any school that wishes to host a visit from doing so. With that in mind, do you need a waiver of all or part of the applicable contribution, and, if so, do you also need assistance with on-site costs? ____ (If 'yes,' please attach an explanation and statement of need signed by an appropriate financial officer of the school.)

Where or how did you learn about the Congress to Campus Program? _____

_____

Note: The host school contact person will be responsible for identifying faculty members who will assist in administering a brief survey instrument to be completed after the Congress to Campus visit by a sample of students in classes visited by Members and by an otherwise comparable sample of students in classes *not* visited. The purpose of this survey is to determine any difference (change) in attitude about politics, government and public service in one group compared to the other, and so to indicate the impact of the visit on student attitudes. In addition, the host school contact person will be expected to complete an evaluation of the visit and to report on print and electronic media coverage of the visit, the expenses paid by the school in connection with the program visit, and the student attendance at each event on the schedule.

* The expenditures figures used to calculate the contribution level should be for the most recent academic year and should be readily available from your school's business or finance office. They are standard data used by the Department of Education's Integrated Postsecondary Education Data System (IPEDS). For public institutions that follow the GASB 34/35 reporting model, use your school's total expenses – the sum of Operating Expenses and Non-Operating Expenses. Public institutions using the College and University Audit Guide should use the total of current funds expenditures and mandatory transfers. Independent institutions following the Not-for-Profit Audit Guide should use the expenses category. The enrollment figures should come from the IPEDS data for the current academic year, converted to a full-time equivalent enrollment based on one full-time student per three part-time students.

Attachment 3

Memorandum

Date: September 5, 2003
To: David Skaggs, Executive Director,
Center for Democracy and Citizenship, CEG
From: Mark Hugo Lopez, Ph.D.,
Research Director, CIRCLE
Subject: The Congress to Campus Presentation Experiment

I have taken a close look at the data from the Congress to Campus program, and generally I think it tells us some interesting things. It appears that students in the treatment group were more likely to have positive views of public service careers and public institutions than students in the comparison group with most differences of interest statistically significant, though there are some concerns about the validity of the experiment and causality.

I have divided the memo into several sections, the first of which examines the quality of the experiment, the next two assess the outcomes of interest. Finally, the memo concludes with comments, recommendations, and caveats.

Assessing the Quality of the Experiment

As a first step to evaluating the impact of the Congress to Campus program experiment, I examined both the treatment and comparison sample on a range of background characteristics. If this were a randomized experiment, the treatment and comparison groups would look similar statistically on a range of observed background characteristics, and this is what I am looking for as I assess the quality of the experiment.

All demographics are contained in Table 1, and a cursory look at the data suggests that the treatment and comparison samples are very similar in their distributions of gender and race/ethnicity. For each of these variables, there are no statistical differences in their distribution across the treatment and comparison groups, suggesting that assignment to the treatment or the comparison group was not a function of either of these observed characteristics, which is good.

However, there are some difficulties with the distribution across the treatment and comparison groups of the background characteristics age, school, class, and whether or not the student had discussed a career in public service with a counselor. In each of these cases, the treatment and comparison groups are not similar in their characteristics, with the treatment group more likely to have older students and fourth year students than the comparison group, and less likely to have first year students than the comparison group. Furthermore, the treatment group was more likely to have students who had talked with a

guidance counselor about a career in public service, and students in the treatment group were more likely to be from the US Naval Academy or Nebraska-Omaha than comparison group students.

Taken together, these statistics suggest that the assignment to the treatment and comparison group samples is good, but not excellent. More than likely the greatest difficulty with the assignment is the dissimilarity between the treatment and comparison group samples on the measures of class standing and age (which are essentially measuring the same thing). However, the even distribution across gender and race/ethnicity between the treatment and control groups lends plenty of support to the overall validity of the experiment, though one should be cautious about causality.

Furthermore, some caution should be taken when making statements about the possible treatment effects of the Congress to Campus program on college students generally since the comparison and treatment groups do not look like the general college student population, at least as of 2000. The treatment and comparison samples are more likely to be male, white and younger than the general college student population.

Measuring Differences in Self-Reported Career Option Viewpoints

One of two outcomes examined with these data is the viewpoint of college students towards potential career choices. Table 2 and Graph 1 display the average response across all occupational groupings for the treatment and comparison groups. Generally speaking, treatment and comparison group students express "neutral/ok" opinions of every career option except Agriculture/Farming and Manufacturing/Industrial, which is expected given that this is a group of college students.

In only two cases are there statistical differences between the responses of treatment and comparison group students. In the area of "State or Local Government Service" and "Federal Government Service" treatment group students express a higher level of positive opinion about these careers for themselves than do comparison group students. For both career options, treatment group students express an average opinion that is 0.3 points higher than the opinions of comparison group students. While it is difficult to claim that there is a casual relationship between participation in the Congress to Campus program and opinions of careers in public service, it is suggestive that there is a modest improvement in expressed opinions of public service as a career option.

I have explored these differences further with a multivariate analysis, and in both cases, the estimated differences in opinion (for careers in federal or state and local service) between comparison and treatment groups are statistically significant once gender, race/ethnicity, school, counseling experience, age and class are controlled for. I would be happy to share these results with you if you would like to see them at a later date. Given that observed differences hold up in a multivariate environment for federal and state and local career viewpoints, these estimated program effects may indeed be robust, and a reflection of true program effects.

Measuring Differences in Views of Public Officials

Table 3 and Graph 2 show average responses to the question about student views of public officials in various public institutions. In all cases, treatment group students express greater positive views of public institutions than comparison group students, with all differences statistically significant. On average, the improvement in views after participation in the Congress to Campus program is on the order of 0.25 points.

In this case, I have also estimated multivariate models, and have found that all statistical differences are robust once controls for gender, race/ethnicity, class, age, school and counselor guidance have been controlled for.

Conclusions

Students who participated in the Congress to Campus speaker program generally express more positive views of public service career choices and of public institutions than students who were not exposed to the program treatment. Furthermore, the experiment appears relatively good since on many background characteristics there are no differences between the comparison and treatment groups of students. While I believe one should be cautious when interpreting these results (many more controls are needed to assess the validity of the experiment), they are suggestive that there are modest gains in views of public service associated with participation in the Congress to Campus Program.

Recommendations

Analysis of this data entailed several data cleaning efforts, and a superior data collection would alleviate the need for large scale cleaning efforts. If a future evaluation is planned, several changes to the survey instrument should be considered. These include:

1. Reverse the scoring scale from 1 "very favorable" to 5 "very favorable."
2. Ask for more background information such as parental income, parental education, how often the student reads the newspaper or watches the news, grade point average, and whether or not the student has ever worked for the public sector in an internship. We have very little information on background characteristics, and in order to more properly assess the validity of the experiment, more background characteristics would be useful.
3. It might be worthwhile, in any future evaluation, to perform a "Solomon Four" style assessment. This would entail the administration of the survey instrument before and after participation in the program for the treatment and comparison groups. This way, one could perform an analysis that looks at gains in views rather than a cross-sectional comparison between the treatment and comparison groups.

Cautions and Caveats

In the process of performing this analysis, I turned around the coding on all the variables so that a "5" would represent "very favorable" and "1" would represent "very unfavorable." Note that by doing this, my averages are 1 point higher than those reported in the graphs you had initially shared with me (the method used to calculate the means in those graphs presented an average that was a full point too low). This suggests that the students in both the treatment and comparison samples actually have a more favorable view of public sector career options and institutions than was shown before.

I also urge caution in the interpretation of these results since

1. Estimated program effects are rather small, and do not necessarily translate into large swings in student opinion of careers in the public sector or their views of public sector institutions as a result of program participation.
2. The measurement of views was taken immediately after the treatment. We would need to know what happens one month later, six months later, or one year later.
3. The sample of colleges is limited to Midwestern and east coast schools.
4. This was not a randomized experiment, and we can only discuss "associations", not causation.
5. The treatment may not have been similar across schools.

Table 1 – Demographic Characteristics

	Treatment Group	Comparison Group	All U.S. Undergraduates, 2000
Background Characteristics			
Female	0.462	0.473	0.551
White	0.830	0.831	0.688
African American	0.067	0.073	0.113
Latino	0.024	0.027	0.095
Asian	0.038	0.027	0.064
Mixed Race	0.033	0.039	
Native American	0.008	0.002	0.001
Class Year			
First	0.476	0.584	***
Second	0.237	0.217	***
Third	0.152	0.110	***
Fourth	0.126	0.064	***
Grad	0.007	0.025	***
Age			
18 and younger	0.231	0.307	0.231
19	0.320	0.330	
20	0.180	0.174	0.370
21-24	0.225	0.165	
25 or older	0.043	0.025	0.390
Talked with a Guidance Counselor about a Career in Public Service	0.387	0.284	***
School			
Abilene Christian University	0.032	0.079	***
Ball State University	0.150	0.144	***
Central Michigan University	0.243	0.265	***
Mississippi State University	0.120	0.199	***
Nebraska-Omaha	0.137	0.071	***
US Naval Academy	0.250	0.208	***
Wellesley	0.069	0.034	***
Sample Size	540	437	15,312,000

Note: Column 3 shows statistics from 2000 for the population of enrolled college students. See the Digest of Education Statistics from the Department of Education for more information.

Table 2 – Career Options

	Treatment Group	Comparison Group
Feelings of Career Options for Self in:		
Private Enterprise - Corporate	3.396 (1.143) [538]	3.246 (1.138) [435]
Private Enterprise – Small Business	3.564 (1.070) [537]	3.463 (1.024) [434]
Professional (law, medicine, journalism, accounting, etc.)	3.699 (1.229) [538]	3.618 (1.152) [434]
State or Local Government Service	3.300*** (1.168) [535]	3.000 (1.131) [431]
Federal Government Service	3.368*** (1.249) [538]	3.087 (1.230) [435]
Military Service	2.835 (1.593) [537]	2.768 (1.531) [436]
Public Safety: Fire, police	2.935 (1.231) [535]	2.843 (1.264) [434]
Teaching	3.637 (1.289) [537]	3.563 (1.305) [435]
Non-Profit, community service	3.204 (1.180) [534]	3.069 (1.246) [435]
Agriculture/Farming	2.265 (1.268) [536]	2.323 (1.248) [434]
Manufacturing/Industrial	2.268 (1.173) [535]	2.305 (1.164) [430]

Note: Students were asked to rate career options for themselves on a scale of 1 to 5, where 1 is "very unfavorable," 2 is "unfavorable," 3 is "ok/neutral," 4 is "favorable," and 5 is "very favorable." All reported figures above are means, with standard errors in parentheses and sample sizes in brackets. *** indicates statistical significance between the treatment and comparison groups at the 5 percent level of statistical significance.

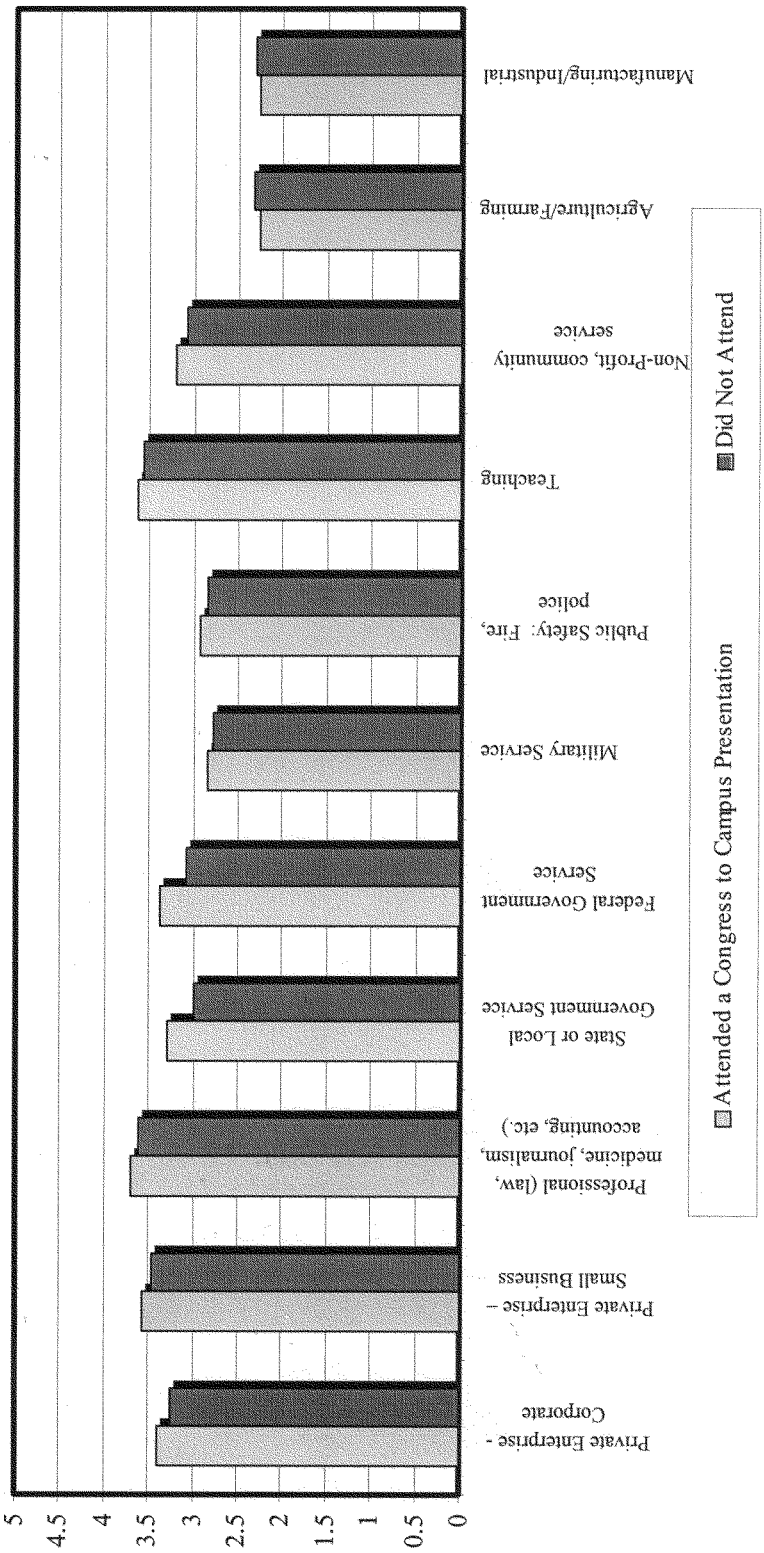
Table 3 – Student Views of Public Institutions

	Treatment Group	Comparison Group
Views of:		
Federal Government	3.822*** (0.895) [539]	3.579 (0.984) [437]
State and Local Government	3.731*** (0.840) [539]	3.474 (0.897) [437]
U.S. Congress	3.656*** (0.904) [538]	3.395 (0.918) 435]
Politicians	3.126*** (0.956) [539]	2.787 (0.945) [437]
Candidates for Elected Office	3.278*** (0.873) [539]	3.011 (0.822) [434]
City or Town Council	3.384*** (0.886) [537]	3.227 (0.901) [435]
State Legislature	3.432*** (0.830) [539]	3.198 (0.811) [434]
Government and Civil Service Employees	3.549*** (0.907) [537]	3.369 (0.864) [434]
Firefighters and Police	4.180*** (0.955) [538]	4.022 (1.013) [437]

Note: Students were asked to provide views of public sector groups/institutions on a scale of 1 to 5, where 1 is "very unfavorable," 2 is "unfavorable," 3 is "ok/neutral," 4 is "favorable," and 5 is "very favorable." All reported figures above are means, with standard errors in parentheses and sample sizes in brackets. *** indicates statistical significance between the treatment and comparison groups at the 5 percent level of statistical significance.

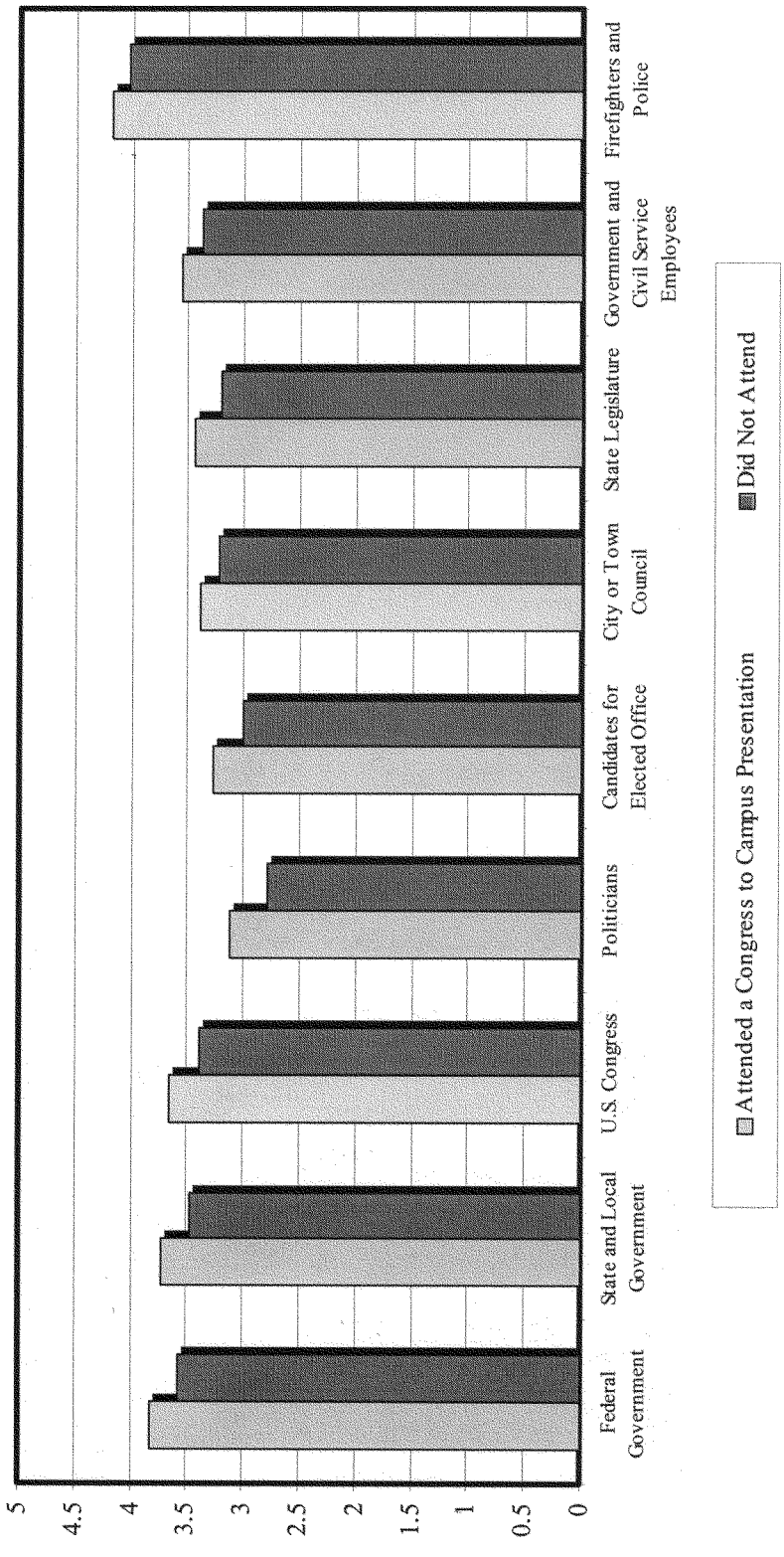
Graph 1: CAREER OPTIONS

Please rate how you feel personally about each of the following career categories as an option for yourself, from 1 (very unfavorable), 2 (unfavorable), 3 (OK/neutral), 4 (favorable), to 5 (very favorable).



Graph 2: FEELINGS ABOUT GOVERNMENT OFFICIALS

Please indicate your feelings, from 1 (very unfavorable), 2 (unfavorable), 3 (OK/neutral), 4 (favorable), to 5 (very favorable), about each of the following.



Mr. SKAGGS. Mr. Speaker, I yield back to the gentleman from Idaho.

Mr. LAROCCO. Thank you, David and Jim and Lloyd, for your report, and for giving us a feel for exactly how those visits are put together and how you related to the students. I encourage everybody in the membership to contact David to see if you could also make a Congress to Campus visit.

One outgrowth of the Congress to Campus Program was an interest in producing a book that would take an inside look at Congress from different viewpoints. There are many fine books written by individual Members of Congress, as we all know, but, to our knowledge, there was no compendium that goes beyond the scenes in a very personal way. Therefore, one of our past presidents, Lou Fry of Florida, together with the head of the political science department at Colgate University, Lou's alma mater, coedited the book Inside the House: Former Members Reveal How Congress Really Works.

□ 0930

This book has been very well received and currently is in its third printing. The book is being used by the political science departments of several universities, and it is a case study of the Congress from many different points of view. My opinion may be biased, but I think it is an extremely instructive look behind the scenes of Congress. It can be purchased via the Web site of the association as well as through the Capitol Historical Society.

Mr. Speaker, I am pleased to now report on a new and very exciting domestic program the U.S. Association of Former Members of Congress is undertaking. Through a generous grant of the AARP, the association is partnering with the Library of Congress in support of its Veterans History Project. This program honors our Nation's war veterans and those who served in support of them. It creates a lasting legacy of recorded interviews and other documents chronicling veterans' and other citizens' wartime experiences and how those experiences affected their lives and America itself. There is a great urgency in collecting wartime memories which become more precious as the number of veterans dwindles by 1,500 every day.

The Veterans History Project encompasses veterans of World War I, World War II, the Korean and Vietnam and Persian Gulf wars. I would like to take this opportunity to call on all sitting and former Members of Congress to become involved in this important creation of a lasting record of America's war veterans. The association is working on several ideas to ensure that all former Members of Congress who are veterans will have the opportunity to fully participate in this important program.

You can receive more information about the Veterans History Project by contacting the association's office and association members over the next several months. And all of you will be receiving numerous updates and materials to assist in creating your own veterans history. So we have got this button here on the Veterans History Project that I will put on now to express my support for this great program. We need the oral histories of all of us that have served in the military.

Mr. Speaker, beyond the programs we administer dealing with domestic issues, the association is very active in overseeing international programs. We have become an important liaison involving the leaders of other nations and the United States. We have arranged almost 470 special events at the U.S. Capitol for international delegations from over 80 countries and the European Parliament. These are programmed short-term visits for individual members of Parliament and long-term visits for parliamentary staff. And we have hosted 51 foreign policy seminars in 11 countries involving more than 1,500 former and current parliamentarians and conducted 21 study tours abroad for former Members of Congress. Since our last report to Congress alone, we have hosted 27 events, meetings, and conferences involving foreign government officials and members and staff of the U.S. Congress including two sitting-members CODELs to Germany, a former-members CODEL to Mexico, a senior staff trip to Mexico, and, most recently, a senior staff visit to Germany.

We are very proud of our efforts to establish a dialogue between the United States and countries around the globe. The association supervises the work of the Congressional Study Group on Germany, the largest and most active exchange program involving the U.S. Congress and the parliament of another country. It is a bipartisan group involving more than 170 Representatives and Senators. They are afforded the opportunity to meet with their counterparts in the German Bundestag to enhance understanding and greater cooperation. Ongoing study group activities include conducting a distinguished visitors program at the U.S. Capitol for government officials from Germany; sponsoring annual conferences involving Members of Congress and their German colleagues; and conducting an exchange program involving senior congressional staff.

I understand, Mr. Speaker, that you would like to update the Congress on the activities of the Congressional Study Group on Germany. So with that, I would like to turn the floor over to our vice president, Jack Buechner.

Mr. BUECHNER (presiding). I thank the President for yielding to the Chair.

Mr. President, in its many years of existence, the Congressional Study Group on Germany has established itself as one of the premier tools for the United States Congress to develop an impact upon foreign policy. I believe, though, its greatest success has come from giving Members from both the House and the Senate the opportunity to establish a personal network with elected officials from Germany's legislative as well as executive branches. Past study group guests on Capitol Hill have included subcommittee chairs, opposition leaders, heads of parties, cabinet members, and business leaders. For example, Germany's Foreign Minister Fischer has been a guest of the congressional study group five times in the past 4 years. This type of interaction enables former and sitting Members to engage in a foreign policy discussion that otherwise would not be available to them.

In addition to bringing high-level German government representatives to Capitol Hill, the study group organizes and hosts an annual conference for sitting Members and Bundestag members. This year's conference will take place in the district of the study group's Republican House chairman GIL GUTKNECHT of Minnesota. Also, this year for the first time, the study group has replicated our members conference on the congressional staff level. Just a few weeks ago, our international programs manager led a delegation of 10 chiefs of staff to Berlin and Heidelberg for meetings with the German Bundestag, the Chancellor's office, the foreign ministry, U.S. and German military headquarters, and corporate representatives.

Mr. President, the Congressional Study Group on Germany is a unique program of vital importance to the Congress's international relations activities. The program would not be possible were it not for the bipartisan record and credence lent to it by the Former Members Association. In addition, without our group of financial supporters, we could not offer this important dialog to Members of Congress.

Let me single out Craig Kennedy of the German Marshall Fund for its continuous support. For over 20 years we have been able to rely upon the German Marshall Fund of the United States. Also, the staff of the association has assembled an extraordinary group of corporate supporters, and I wish to take a minute to thank them publicly: Peter Lefkin of Allianz/Fireman's Fund; former Member of Congress Tom Coleman, who now works for BASF; Rob Liberatore of DaimlerChrysler; Wolfgang Pordzik of Deutsche Post; Wolfgang Jakubek of Deutsche Telekom; Bill Sweeney of EDS; Bill Inglee of Lockheed Martin; Bob Bergmann of RGIT; Tom Medaglia of RWE; Uli Werner of SAP; Gregg Ward of Siemens; and David Geanacopoulos of Volkswagen.

In addition, we should thank our House leadership, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Texas (Mr. LAMPSON), as well as our Senate leaders CHUCK HAGEL of Nebraska and TIM JOHNSON of South Dakota.

The Congressional Study Group on Germany is an excellent example of how the Former Members Association

does provide a service to current Members that is unequaled in Washington and is of the utmost importance to the foreign relations of this country. I thank the former Members, and I would remind them that they can be very proud of the work they do to make this group possible. I look forward to being an active participant in the activities of this study group on Germany for many years to come.

Thank you, Mr. President.

Mr. LAROCCO. Thank you, Jack. Thank you for that report.

I would like to now turn to other international programs, particularly Mexico. While our German group is our most active, we are also very proud of our work with Mexico, Japan, and China. The Mexican program in particular has seen an unprecedented surge of activity. Members of the Mexican Chamber of Deputies as well as President Fox's administration have been guests of the study group on Capitol Hill. We have sent a delegation of senior congressional staff to Mexico in 2003, and we are planning on doing so again in the fall of this year.

In addition, a delegation of former Members of Congress traveled to Mexico City and met with vice president of the Chamber of Deputies, the legislative adviser to President Fox, the head of Mexico's OMB, and the Foreign Ministry's USA desk. Currently, we are cosponsoring a program with the Woodrow Wilson International Scholar Center to telecast live to Mexican universities presentations by former Members of Congress on the U.S.-Mexico relationship. These broadcasts also will include live Q and A sessions involving the former Members and the Mexican university students. I am very pleased that former Member Jim Jones, who also served as U.S. Ambassador to Mexico, has become actively involved in our program with Mexico and will be one of the featured speakers during the Woodrow Wilson Center telecast. The other speaker is our vice president, Jack Buechner.

In addition, the association is working with the Council on Foreign Relations to create a town hall meeting specifically aimed at Chicago's Hispanic community. During this event former Members of Congress will conduct a mock debate on the issues which will be discussed during the 2004 Presidential election. Funding for this program in the past has come from numerous sources, including the Tinker Foundation and corporate sponsors such as Cemex. I wish to thank the gentleman from Arizona (Mr. KOLBE) and Senator CHRIS DODD for being our outstanding House and Senate chairmen.

Turning to Japan and China, in 1993 the association founded the Congressional Study Group on Japan with the East-West Center in Hawaii. It is a bipartisan group of about 120 Members of the House and Senate providing substantive opportunities for Members of Congress to meet with their counterparts in the Japanese Diet as well as an opportunity to educate themselves on U.S.-Japanese relations. The study group brings experts in academics to Capitol Hill in addition to Japanese government officials to discuss security issues as well as trade and investment.

Last month we had the great honor to host one of our own, former Speaker Tom Foley, who served as U.S. Ambassador to Japan, as part of our congressional study group on Japan. Ambassador Foley provided many of his former colleagues with the opportunity to ask very pointed and important questions about our relationship with Japan and about the domestic issues that currently affect one of our most important trading partners. The afternoon we spent with him was truly enlightening, and I am pleased to report that Ambassador Foley has agreed to play a very active role in shaping the Congressional Study Group on Japan even further.

Our program activities would not be possible without the invaluable support of Dr. Eric Gangloff, who heads up the Japan-U.S. Friendship Commission. This partnership has lasted for almost 10 years, and we are very appreciative of the commission's continued support.

We have exceptional congressional leadership for this group both in the House and the Senate. Our House chairmen are the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from New York (Mr. HOUGHTON), and our Senate chairs are GORDON SMITH and MARIA CANTWELL. We thank them for their tireless efforts on our behalf.

In August of 1999 the U.S.-China Inter-Parliamentarian exchange group was created by Speaker HASTERT. He asked our association because of its excellent track record of acting as a liaison between the U.S. Congress and foreign legislative branches to lend a hand in getting this program off the ground. Thus, the Congressional Study Group on China was born. Since its inception, the study group has hosted several delegations of members of the National People's Congress of China to Washington and has even sent a sizable delegation of sitting and former Members to China. It should be noted that the CODEL the association assembled was the first visit to China by a congressional delegation since 9/11 and that the resulting discussions with representatives of the Chinese Government were truly historic and extraordinary.

In addition, the association has brought numerous experts on China to Capitol Hill in an effort to educate Members about U.S.-China relations and address specific questions Members may have about China. The association is very proud of having facilitated this important discussion and wishes to thank the U.S. Department of State for funding this undertaking. I also thank the gentleman from Illinois (Mr. MANZULLO) for being the group's House chairman.

Our experience with these congressional study groups has been incredibly positive. As the Former Members Association, we are in the unique position that we can establish a link between the U.S. Congress and parliaments in other countries that is credible, responsible, bipartisan, and non-advocacy. Numerous countries, organizations, and embassies have approached the association about creating additional study groups, and we are examining several possibilities at the moment keeping in mind, of course, our own limitations due to staff and budget, as well as the needs for the dialogue that we wish to establish to be of current interest and importance to the foreign policy goals of the United States Congress.

Mr. Speaker, the association also has worked in other parts of the world to promote the operations of a democratic system of government. In the past, we have organized legislative strengthening programs in the Czech Republic, Slovakia, Hungary, Poland, Ukraine, and Macedonia. The association also assisted with U.S.-Cuban relations via three former Members delegations to Cuba from 1996 through 2000.

We are currently applying for a grant from the U.S. Agency For International Development to conduct election-related projects in the Ukraine along with a legislative strengthening program following that country's election. Also through USAID we are exploring the possibility of conducting legislative strengthening seminars for visiting Iraqi representatives here in Washington. In addition, we are working with the U.S. Department of State to involve former Members of Congress in their international information programs. The U.S. Association of Former Members of Congress is uniquely qualified to provide the resources for the education of the legislators in emerging democracies. Former Members of Congress have experiences in State legislatures as well as on the Federal level. We cannot expect other countries to adopt our ways, but we can help them identify the basic elements of a free representative government sensitive to the traditions of their country.

□ 0945

In addition, Mr. Speaker, as I move on to other programs, I would like to mention that the Association, after each congressional election, conducts its ''Life After Congress'' seminar. The purpose of this conference is to ease the transition away from Capitol Hill for those sitting Members who will not return for the next Congress. We will conduct this seminar again in December of this year.

During the 2002 seminar, former Members Jack Buechner, Marc Lincoln Marks, Bob Carr, Jim Coyne, Martin Lancaster, Ed Pease and David Skaggs shared their experiences about the adjustments they had to make when they left Congress and how they managed to

seek and pursue careers in a variety of fields.

Congressional spouse June Hansen also described how members of families cope with leaving Congress and beginning a new life. In addition, congressional support staff outlined the services available to former Members of Congress. As in the past, the 2002 seminar was followed by a reception hosted by our outstanding Association's Auxiliary.

The Association organizes study tours for its members and their spouses, who, at their own expense, have participated in educational and cultural visits to places such as Australia, Canada, China, New Zealand, the former Soviet Union, Vietnam, Western and Eastern Europe, Turkey, the Middle East, Mexico and South America. Last year a delegation of Former Members travelled to Mexico for a week of meetings, presentations, discussions, and sightseeing.

For the fall of this year, we are planning a trip to France. The Association recognizes a need for dialogue involving France and the United States following the divisive debate over Iraq and the U.N. Security Council. We therefore believe that a Former Members of Congress study group to France could not come at a better time. Through the French Embassy here in Washington, we will create a program for our delegation that will include high-level meetings and discussions. In addition, to honor those who served their country in uniform during World War II, our study tour to France will include a visit to Normandy. 2004 marks the 60th Anniversary of the D-Day invasion, and the Association looks forward to commemorating our fallen heroes at the D-Day memorial sites. I hope many of the Association members will be able to participate in this trip.

The Association also organizes events that serve more of a social function. We know how important that is. In other words, we try to create ways in which our members can each keep in touch with old friends and colleagues just as we are doing today. One such undertaking is our annual golf tournament here in Washington. Another is a brand new event which we are hoping to make an annual tradition: an informal family picnic for former Members, which last October was hosted at the home of June and Orval Hansen. The picnic was a joint undertaking involving the Association and its auxiliary, and we are already looking forward to replicating the get-together later this year.

I would like to turn now to our annual fund-raising event, the Statesmanship Award Dinner. Mr. Speaker, as you can see, the Association conducts a wide variety of programs and is continuing to expand them. All of this requires financial support. As I mentioned earlier, at present our funding comes from three primary sources, membership dues, program grants and an annual fund-raising dinner and auction. On March 2 of this year, we held our seventh annual Statesmanship Award dinner at which five of our friends and colleagues were honored for their service to country in uniform during World War II before serving their country on Capitol Hill. The five honorees were Bob Dole, Sam Gibbons, John Glenn, George McGovern and Bob Michel.

They represent a group of truly great Americans, and I would like to place in the RECORD the names of those former members of Congress who are veterans of World War II and who unequivocally deserve our recognition and gratitude.

Mr. BUECHNER (presiding). Without objection, so ordered.

There was no objection.

34TH ANNUAL SPRING MEETING, U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS, LIVING FORMER MEMBERS WHO SERVED IN UNIFORM DURING THE SECOND WORLD WAR, APRIL 22, 2004

Jim Abdnor, Army, (Repub.–SD, House 1973–81; Senate 1981–87)

Brock Adams, Navy, (Dem.–WA, House 1965–77; Senate 1987–93)

John B. Anderson, Army, (Repub.–IL, House 1961–81)

William R. Anderson, Navy, (Dem.–TN, House 1965–73)

Mark Andrews, Army, (Repub.–ND, House 1963–81; Senate 1981–87)

Thomas Ludlow Ashley, Army, (Dem.–OH, House 1955–81)

Eugene V. Atkinson, Navy, (Dem.–PA, House 1979–83)

Howard H. Baker, Jr., Navy, (Repub.–TN, House 1967–85)

Perkins Bass, Army Air Corps., (Repub.–NH, House 1955–63)

J. Glenn Beall, Jr., Navy, (Repub.–MD, House 1969–71; Senate 1971–77)

Berkely Bedell, Army, (Dem.–IA, House 1974–87)

Alphonzo E. Bell, Jr., Army, (Repub.–CA, House 1961–77)

Henry L. Bellmon, Marines, (Repub.–OK, Senate 1969–81)

Charles E. Bennett, Army, (Dem.–FL, House 1949–93)

Lloyd Bentsen, Army, (Dem.–TX, House 1949–54; Senate 1971–94)

Tom Bevill, Army, (Dem.–AL, House 1967–97)

Benjamin B. Blackburn, Navy, (Repub.–GA, House 1967–75)

John Brademas, Navy, (Dem.–IN, House 1959–81)

Daniel B. Brewster, Marines, (Dem.–MD, House 1959–63; Senate 1963–69)

Edward W. Brooke, Army, (Repub.–MA, Senate 1967–79)

Jack Brooks, Marines, (Dem.–TX, House 1953–95)

William Broomfield, Army Air Corps, (Repub.–MI, House 1957–93)

Donald Brotzman, Army, (Repub.–CO, House 1963–65)

Joel T. Broyhill, Army, (Repub.–VA, House 1953–75)

James Lane Buckley, Navy, (Cons.–Repub.–NY, Senate 1971–77)

Dale Bumpers, Marines, (Dem.–AR, Senate 1975–99)

Clair W. Burgener, Army Air Corps, (Repub.–CA, House 1973–83)

Laurence J. Burton, Navy, (Repub.–UT, House 1963–71)

George Bush, Navy, (Repub.–TX, House 1967–71)

M. Caldwell Butler, Navy, (Repub.–VA, House 1972–83)

Harry F. Byrd, Jr., Navy, (Dem.–VA, Senate 1965–83)

Catherine Callahan, Navy, (Dem.–Nebraska, House 1965–67)

Howard H. Callaway, Army, (Repub.–GA, House 1963–67)

Ronald Brooks Cameron, Marines, (Dem.–CA, House 1963–67)

Elford A. Cederberg, Army, (Repub.–MI, House 1953–79)

Frank M. Clark, Army Air Corps, (Dem.–PA, House 1955–75)

Donald H. Clausen, Navy, (Repub.–CA, House 1963–83)

Raymond F. Clevenger, Army Med. Corps, (Dem.–MI, House 1965–67)

Frank Coffin, Navy, (Dem.–ME, House 1957–61)

Marlow W. Cook, Navy, (Repub.–KY, Senate 1968–74)

Emilio Quincy Daddario, Navy, (Dem.–CT, House 1951–70)

E. ''Kika'' de la Garza, Navy, (Dem.–TX, House 1965–97)

Steven B. Derounian, Army, (Repub.–NY, House 1953–65)

Edward J. Derwinski, Army, (Repub.–IL, House 1959–83)

William L. Dickinson, Navy, (Repub.–AL, House 1965–93)

William Jennings Bryan Dorn, Army, (Dem.–SC, House 1947–49, 1951–75)

Don Edwards, Navy, (Dem.–CA, House 1963–95)

Robert F. Ellsworth, Navy, (Repub.–KS, House 1961–67)

John N. Erlenborn, Navy, (Repub.–IL, House 1965–85)

Frank E. Evans, Navy, (Dem.–CO, House 1965–78)

J. James Exon, Navy, (Dem.–NE, Senate 1979–97)

Paul Findley, Navy, (Repub.–IL, House 1961–83)

John J. Flynt, Jr., Army, (Dem.–GA, House 1954–79)

Hiram L. Fong, Army Air Corps, (Repub.–HI, Senate 1959–77)

Gerald R. Ford, Navy, (Repub.–MI, House 1949–73)

Donald M. Fraser, Navy, (Dem.–MN, House 1963–79)

Peter H.B. Frelinghuysen, Navy, (Repub.–NJ, House 1953–75)

Richard H. Fulton, Navy, (Dem.–TN, House 1963–75)

Robert N. Giaimo, Army, (Dem.–CT, House 1959–81)

John J. Gilligan, Navy, (Dem.–OH, House 1965–67)

Kenneth Gray, Army Air Corps, (Dem.–IL, House 1955–75 1985–89)

Robert P. Griffin, Army, (Repub.–MI, House 1957–64; Senate 1965–78)

Wayne R. Grisham, Army, (Repub.–CA, House 1979–83)

James R. Grover, Army, (Repub.–NY, House 1963–75)

Frank Guarini, Navy, (Dem.–NJ, House 1979–93)

Gilbert Gude, Army Med. Corps, (Repub.–MD, House 1967–77)

John Paul Hammerschmidt, Army, (Repub.–AR, House 1967–93)

Orval Hansen, Navy, (Repub.–ID, House 1969–75)

William H. Harsha, Marines, (Repub.–OH, House 1961–81)

James Harvey, Army, (Repub.–MI, House 1961–75)

Harry G. Haskell, Jr., Coast Guard, (Repub.–DE, House 1957–59)

James F. Hastings, Navy, (Repub.–NY, House 1969–75)

William D. Hathaway, Army Air Corps, (Dem.–ME, House 1965–73; Senate 1973–78)

Ken Hechler, Army, (Dem.–WV, House 1959–77)

Howell Heflin, Marines, (Dem.–AL, Senate 1979–97)
Cecil ''Cec'' Heftel, Army, (Dem.–HI, House 1977–86)
Jack Hightower, Navy, (Dem.–TX, House 1975–85)
Elwood Hillis, Army, (Repub.–IN, House 1971–87)
Earl Hogan, Army Air Corps, (Dem.–IN, House 1959–61)
Frank Horton, Army, (Repub.–NY, House 1963–93)
William L. Hungate, Army, (Dem.–MO, House 1964–77)
Earl Hutto, Navy, (Dem.–FL, House 1979–95)
Robert W. Kastenmeier, Army, (Dem.–WI, House 1959–91)
William J. Keating, Navy, (Repub.–OH, House 1971–75)
Hastings Keith, Army, (Repub.–MA, House 1959–73)
Thomas S. Kleppe, Army, (Repub.–ND, House 1967–71)
Horace R. Kornegay, Army, (Dem.–NC, House 1961–69)
Peter Kyros, Navy, (Dem.–ME, House 1967–75)
Robert J. Lagomarsino, Navy, (Repub.–CA, House 1974–93)
Melvin R. Laird, Navy, (Repub.–WI, House 1953–69)
Cathy Long, Navy, (Dem.–LA, House March 1985–1987)
Thomas A. Luken, Marines, (Dem.–OH, House 1974–75, 1977–91)
John C. Mackie, Army Air Corps, (Dem.–MI, House 1965–67)
James R. Mann, Army, (Dem.–SC, House 1969–79)
John O. Marsh, Jr., Army, (Dem.–VA, House 1963–71)
Charles McC. Mathias, Navy, (Repub.–MD, House 1961–69; Senate 1969–87)
Wiley Mayne, Navy, (Repub.–IA, House 1967–75)
John Y. McCollister, Navy, (Repub.–NE, House 1971–77)
Mike McCormack, Army, (Dem.–WA, House 1971–81)
Donald F. ''Don''McGinley, Army, (Dem.–NE, House 1959–61)
Robert J. McIntosh, Army Air corps, (Repub.–MI, House 1957–59)
Abner J. Mikva, Army Air Corps, (Dem.–IL, House 1969–73, 1975–79)
Joe Minish, Army, (Dem.–NY, House 1963–85)
G.V. ''Sonny'' Montgomery, Army, (Dem.–MS, House 1967–97)
Arch A. Moore, Jr., Army, (Repub.–WV, House 1957–69)
Thomas G. Morris, Navy, (Dem.–NM, House 1959–69)
Austin J. Murphy, Marines, (Dem.–PA, House 1977–95)
John T. Myers, Army, (Repub.–IN, House 1967–97)
Lucien N. Nedzi, Army Air Corps, (Dem.–MI, House 1961–81)
Gaylord A. Nelson, Army, (Dem.–WI, Senate 1963–81)
Richard Dale ''Dick'' Nichols, Navy, (Repub.–KS, House 1991–93)
Willilam N. ''Bill'' Patman, Marines, (Dem.–TX, House 1981–85)
James B. Pearson, Navy, (Repub.–KS, Senate 1961–79)
Claiborne Pell, Coast Guard, (Dem.–RI, Senate 1961–96)
Charles H. Percy, Navy, (Repub.–IL, Senate 1967–84)
Peter A. Peyser, Army, (Both.–NY, House R 1971–77; D 1979–83)
J.J. ''Jake'' Pickle, Navy, (Dem.–TX, House 1963–95)
Otis G. Pike, Marines, (Dem–NY, House 1961–79)
Bertram L. Podell, Navy, (Dem.–NY, House 1968–75)
Richard H. Poff, Army Air Corps, (Repub.–VA, House 1953–73)
Howard W. Pollock, Navy, (Repub.–AK, House 1967–71)
Graham Purcell, Army, (Dem.–TX, House 1962–73)
Albert H. Quie, Navy, (Repub.–MN, House 1958–79)
James M. Quigley, Navy, (Dem.–PA, House 1955–57, 1959–61)
Ed Reinecke, Navy, (Repub.–CA, House 1965–69)
Peter W. Rodino, Jr., Army, (Dem.–NJ, House 1949–89)
Robert A. Roe, Army, (Dem.–NJ, House 1969–93)
Angelo D. Roncallo, Army, (Repub.–NY, House 1973–75)
Fred B. Rooney, Army, (Dem.–PA, House 1963–79)
J. Edward Roush, Army, (Dem.–IN, House 1959–68 1971–77)
J. Roy Rowland, Army, (Dem.–GA, House 1983–95)
Bill Royer, Army Air Corps, (Repub.–CA, House 1979–81)
J.T. Rutherford, Marines, (Dem.–TX, House 1955–63)
Pierre Salinger, Navy, (Dem.–CA, Senate Aug.–Dec. 1964)
Gus Savage, Army, (Dem–IL, House 1981–93)
William B. Saxbe, Army, (Repub.–OH, Senate 1969–Jan. 1974)
Richard S. Schweiker, Navy, (Repub.–PA, House 1961–69; Senate 1969–81)
William W. Scranton, Army Air Corps, (Repub.–PA, House 1961–63)
John F. Seiberling, Army, (Dem.–OH, House 1971–87)
Hugo S. Sims, Jr., Army, (Dem.–SC, House 1949–51)
George A. Smathers, Marines, (Dem.–FL, House 1947–51; Senate 1951–69)
Robert T. Stafford, Navy, (Repub.–VT, House 1961–71; Senate 1971–89)
Louis Stokes, Army, (Dem.–OH, House 1969–99)
Robert E. Sweeney, Army, (Dem.–OH, House 1965–67)
James W. Symington, Marines, (Dem.–MO, House 1969–77)
Burt L. Talcott, Army Air Corps, (Repub.–CA, House 1963–77)
Lionel Van Deerlin, Army, (Dem.–CA, House 1963–81)
Charles A. Vanik, Navy, (Dem.–OH, House 1955–81)
Weston E. Vivian, Navy, (Dem.–MI, House 1965–67)
Charles W. Whalen, Jr., Army, (Repub.–OH, House 1967–79)
G. William Whitehurst, Navy, (Repub.–VA, House 1969–87)
John S. Wold, Navy, (Repub.–WY, House 1969–71)
James C. Wright, Army Air Corps, (Dem.–TX, House 1955–89)
Wendell Wyatt, Marines, (Repub.–OR, House 1964–75)
Leo C. Zeferetti, Navy, (Dem.–NY, House 1975–83)
Roger H. Zion, Navy, (Repub.–IN, House 1967–75)

Mr. LAROCCO. Mr. Speaker, we presented the five honorees with our Statesmanship Award at a dinner that was truly magnificent and lived up to the great occasion it was. I would like to thank the gentleman from Florida, Lou Frey, who yet again provided the leadership and was the spark plug that helped make the previous six dinners so successful. This year's event was no exception.

I yield to the gentleman from Florida for his remarks.

Mr. FREY. Mr. Speaker, it was truly a great event, and, Bob, you graced us all with being there, and your remarks were incredibly touching.

And for those of you who missed it, you really missed a wonderful, wonderful evening. This was the seventh dinner. We have honored in the past Secretary of Agriculture Dan Glickman, Lee Hamilton, Lynn Martin, Norm Mineta, DICK CHENEY, and Don Rumsfeld, and this is the seventh in a row. We have been successful. We have grossed probably well over a million dollars now. I think it has become an annual event in Washington. It is a fun dinner. Jimmy Hayes spends a year collecting memorabilia which we can get, which is a lot of fun, and some valuable things are there.

We had over 450 people at this dinner. It was sold out. You could not get a ticket. So get your tickets early for next March when we will have the next dinner.

It takes a lot of work. We have a number of people that really do so much. It is a team effort. It takes about 9 months to put together. We have not decided the honorees next year, but I am sure it will be not as maybe a great event, I do not think we will be ever able to duplicate that and the event itself, but we hope it will come close.

Our president is a great auctioneer. He did a great job of auctioning off at the live auction, and the gentleman from Minnesota (Mr. GUTKNECHT) auctioned off two flags that will be flown over the Capitol on the 60th anniversary of D-Day, and a certificate will go with that signed by the five honorees.

The Executive Committee is the driving force for it. It is Larry LaRocco, Jack Buechner, Jim Slattery, and Jay Rhodes, Matt McHugh, Jimmy Hayes, Jim Symington and Bob Carr. Barbara Boggs Associates has worked for 7 years with us to run the dinner. Verizon has been a chief sponsor of the dinner for 6 years. This year, thanks to Larry, the AARP for the first time participated in the dinner, and we used that occasion to announce it.

Let me say, Larry really worked hard on that day after day. It was sort of a cliff-hanger, but as usual Larry came through.

This is really the only outreach we have to the community. We need everybody's help on this. It really allows us to do all these programs. We hope next year you will join us in making the eighth annual dinner a success.

Thank you, Mr. President. I appreciate the chance to address the group.

Mr. LAROCCO. Thank you, Lou. Again, on behalf of the Executive Committee, the officers, the Board and all of the membership, we just want to thank you for your leadership in the past and what you do to get us all together to make this dinner such a huge success.

Mr. Speaker, in addition to financial support, the Association benefits enormously from the efforts and leadership

of many people. I want to thank the officers of the Association, Jack Buechner, Jim Slattery, Jay Rhodes and John Erlenborn; the members of our Board of Directors and our Counselors for providing the excellent guidance and support necessary to oversee these activities. In addition, we are assisted by the Auxiliary of the Association, this year led so wonderfully by Dana Martin, a truly wonderful person. We are particularly grateful to them in their Life After Congress seminars, our annual dinners, and the new undertaking, our annual picnic.

Needless to say, our programs could not be so effectively run without the exceptional support provided by our staff. Last year our Executive Director Linda Reed retired, and we wish her all the best with this new stage of her life. She was an incredibly able and energetic executive. We thank her for her many years of hard and dedicated service to our Association.

She is succeeded as Executive Director by our former Program Director for Germany, Pete Weichlein. Our international programs are managed by Miss Sudha David-Wilp. Our member relations team includes Tom McGettrick and Rebecca Zylberman. Our staff sees as its main responsibility to communicate to our members and to the general public all the good work of the Association, and we have become much better in using new technology for this communication. And many of you have commented on what a great benefit it is to receive continuous program updates and other news via e-mail. In addition, we are making much more use of our Website, www.USAFMC.org, and will continue to do so. In the very near future we hope to be able to offer video and audio reports on our activities via the Website.

These are truly very exciting times for the Association, and the Executive Committee is always asking Peter, do you have the technology you need to communicate? How can we be more productive in getting the word out to our membership? The video conference that we will be doing with Mexico is one example of how we will utilize the technology to expand the reach of our Association.

The SPEAKER pro tempore. Would the gentleman yield for a special guest?

Mr. LAROCCO. Mr. Speaker, I would be delighted to yield to a special guest.

The SPEAKER pro tempore. The Chair recognizes the Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Thank you very much, Mr. Speaker. That has a nice ring to it. Thank you very much, Larry, for yielding your time.

I am pleased to join our very distinguished Speaker in welcoming you to the floor of the House of Representatives. You are an inspiration to us. You built a strong foundation.

Mr. Michel, it is always an honor to be in the same room with you. As minority leader I understand part of your role. I have a certain level of impatience with it myself. But I am pleased to see that bipartisanship is alive and well, at least among the former Members in the Congress of the United States.

Good for you for honoring Sam Nunn. Sam Nunn is a great American recognized throughout our country even though he has not been in office for a few years now. He has always been an inspiration to us in and out of public office. He is always in public service, and his initiative and leadership on Nunn-Lugar is as valid and as important an initiative now as it was then, perhaps even more needed today. You were a leader. You saw early what the need would be, and it is an answer for us. So thank you, Sam Nunn, for your great leadership, and thank you to all of you for honoring Sam Nunn.

I had to go to a discussion about continuation of government, so forgive me for being in and out. As I look around, I see so many friends on both sides of the aisle, and it should not be a partisan issue, but I am afraid it has come down to that again today. But any thoughts that you have about, one thought was that the Members of Congress could suggest their successor in time if an act of terrorism hits Congress. I said that would be good, you would not have to change the boards. We would just have the same names up there. We could be well represented by our very able family members, our constituents would. But you come at a time when you have a great deal, should we say, of lively debate on the issues.

Seeing you reminds us of another time when we were able to work out these issues more easily and more amicably. Hopefully that day will return soon. And when it does, it will be because of the influence you all have on all of us.

Congratulations on your good work on Congress to Campus. I am not surprised that it is such a success with David Skaggs and Mr. Lightfoot, I do not know where he is now, and all the others working on it, going from 6 to 40 campuses in a short period of time. Thank you for making public service more appealing to young people. Hopefully those of us still in office will be able to follow your lead on that as well.

Welcome. Good luck in your deliberations. You are a source of strength and inspiration to us. And I want to extend the greetings of all of the Members of the House and Democratic Caucus to every single one of you.

Again, Mr. Michel, a special welcome to you always.

The SPEAKER pro tempore. The Chair wants to thank the gentlewoman and remind her that in 1990, the St. Louis Cardinals beat the San Francisco Giants, and she still owes me two quarts of chowder. It was based against Anheuser-Busch's product. I thank the gentlewoman.

The Chair recognizes the time yielded back to the gentleman from Idaho (Mr. LaRocco).

Mr. LAROCCO. Mr. Speaker, I was mentioning when I yielded to the gentlewoman from California (Ms. PELOSI) that we were expanding our technology capability, and we are certainly doing that.

I want to mention some special guests that we have with us today. We are very pleased to have with us today Douglas Rowland and Douglas Frith of the Canadian Association of Former Parliamentarians. They are here in the Chamber with us, and we are delighted to have them with us. It has been a tradition to have the Former Parliamentarians from Canada join us for our meeting and that we go to Canada for theirs. We have exchanged very valuable information about our programs and how we can help each other and expand our reach within our own constituencies and across the border.

Doug and Doug, we are very, very honored that you have come to Washington to participate in our annual meeting, and we would like to thank you.

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Many association members over the past several years have had the good fortune, as I have had, to meet their Canadian colleague, Barry Turner, who has joined us for quite a few of our annual spring meetings. Unfortunately, he could not join us this year, but he sends his regards; and I know I speak for all of us when I send our best wishes to Barry. I spoke to him this week on the phone, and he certainly extends his greetings to all of you from north of the border.

Mr. Speaker, it is now my sad duty to inform the House and all of our colleagues of those persons who served in Congress and have passed away since our report last year. The deceased Members of Congress are: Lamar Baker, Tennessee; Harold Budge, Idaho; Barber Conable, New York; Glenn Cunningham, Nebraska; Joshua Eilberg, Pennsylvania; Thomas S. Gettys, South Carolina; David Henderson, North Carolina; Louise Day Hicks, Massachusetts; Jeffrey P. Hillelson, Missouri; Richard Lankford, Maryland; Thomas Lewis, Florida; John Lyle, Texas; Nicholas Mavroules, Massachusetts; Francis Xavier McCloskey, Indiana; Don Mitchell, New York; Patsy T. Mink, Hawaii; Frank E. ''Ted'' Moss, Utah; James Henry Quillen, Tennessee; John J. Rhodes, Arizona; J. Edward Roush, Indiana; William J. Scherle, Iowa; Carlton Sickles, Maryland; Paul Simon, Illinois; Joseph R. Skeen, New Mexico; Bob Stump, Arizona; Strom Thurmond, South Carolina; David G. Towell, Nevada; James D. Weaver, Pennsylvania;

I respectfully ask all of you to rise for a moment of silence in their memory. Thank you. I can tell as I looked around that there were certain memories invoked as I read the names of the

people that have served in this House and our colleagues, and we miss them and are grateful for their service.

Mr. Speaker, as you know, each year the association presents a Distinguished Service Award to an outstanding public servant. The award normally rotates between parties, as do our officers. Last year, we presented the award to an extraordinary Republican, Bill Archer. This year, we are pleased to be honoring a remarkable Democrat, Senator Sam Nunn.

Sam Nunn served in the United States Senate from 1972 to 1996. For 24 years, he represented the fine State of Georgia, attended Georgia Tech, Emory University and Emory Law School, and served in the United States Coast Guard. Like many of us, his political career began on the State level, when he entered the Georgia House of Representatives in 1968.

During his tenure in the United States Senate, Senator Nunn served as chairman of the Senate Armed Services Committee and the Permanent Subcommittee on Investigations. He also served on the Intelligence and Small Business Committees.

His legislative achievements include the landmark Department of Defense Reorganization Act, drafted with the late Senator, Barry Goldwater, and the Nunn-Lugar Cooperative Threat Reduction Program, which provides assistance to Russia and the former Soviet republics for securing and destroying their excess nuclear, biological, and chemical weapons.

Sam Nunn is co-chairman and chief executive officer of the Nuclear Threat Initiative, a charitable organization working to reduce the global threats from nuclear, biological, and chemical weapons. It is no understatement that Sam Nunn, both during his years in the Senate and after leaving the U.S. Congress, has made the world a safer place. We are deeply indebted to him for his energy, determination, and commitment in the area of nuclear threat containment. On behalf of the association, I am delighted to present our Distinguished Service Award to the honorable Sam Nunn.

The plaque that I am going to present to the Senator on behalf of the whole association, and I will call the Senator up here to receive it, says: ''Presented by the U.S. Association of Former Members of Congress to the Honorable Sam Nunn for his over 40 years of exemplary public service to his beloved State of Georgia and the Nation. Sam Nunn served 24 years as a United States Senator, chairing for Congress the Committee on Armed Services. His legislative accomplishments are too many to list. He truly has made the world a safer place, both as a Senator through the Nunn-Lugar Cooperative Threat Reduction Program, and as former Member by co-chairing and guiding the work of the Nuclear Threat Initiative.''

Senator, I am so pleased to present you with a scrapbook of letters from colleagues offering their congratulations for this well-deserved symbol of our respect, appreciation and admiration; and I would like to present this to you, Senator, and we would be honored to receive some comments.

Mr. NUNN. Thank you very much, particularly for this wonderful day and this wonderful honor.

Mr. Speaker, Minority Leader PELOSI, Members of the House and Senate, my former colleagues, my Canadian colleagues, my friends and fellow pensioners, as Bill Archer said so well last year when he received this award, being honored by your colleagues and your peers, those who work with you and who know the opportunities, as well as the perils, of public service, is an honor that transcends all others. I am indeed grateful to the Association of Former Members for this award and for your continued dedication to serving our Nation and to continuing to help in every way possible those who remain on the frontline, as well as your extraordinary work on college campuses. In my view, basically inspiring our young people probably is our most important responsibility both as Members of Congress and former Members.

My first job out of law school in 1962 was working here in the House of Representatives as a staffer for the House Armed Services Committee. Over the years, some of my friends have posed the question, Sam, how did you get that great job right out of law school? Did you have a great law school record, academic record? Did the committee recognize your great potential for leadership? Perhaps, but the more honest and straightforward answer is that my great uncle, Carl Vinson, was chairman of the House Armed Services Committee, having served from 1915 through 1965, as a Member of this House; and in 1962 when I came to Washington and spent such a meaningful year, he was the chairman of the committee.

Here, as a House staffer and later in the United States Senate, I developed my passion for public policy and the political process. It all started here. This is where really I became enamored of the political process and where I knew that one of these days I was going to make a run. Here, I learned from Uncle Carl and others that Congress has no higher responsibility under the Constitution of our Nation than to provide for the common defense.

Here, in the fall of 1962, I was exposed to a close-up view of the Cuban missile crisis, which left me with an indelible awareness of our duty to avoid nuclear use and to avoid nuclear conflict, a lesson that basically occupied a tremendous amount of my time when I became a United States Senator and that even today continues to dominate my post-Senate focus.

Here, during my one brief, but impactful, year as a member of the House staff, I met Colleen O'Brien, my bride of now nearly 39 years; and I made a solemn commitment to myself to run for the House and Senate if I ever even had half a chance, which I did fortunately in 1972.

Here today, like every day as a staffer in 1962 and 1963, and as a Senator for 24 years, I get tingles of excitement and awe when I walk into this Capitol and I think of the tremendous power, the tremendous responsibility, and the tremendous influence of those who serve in the Congress of the United States. In the long run, and I think I have realized this more since I left the Congress than I did when I was in the Congress, but in the long run, the most important influence we have, I believe, is our influence over young people by word, but mostly by example. This may be the single most important responsibility of public service. Every day, we must demonstrate that we can be in the political arena and yet retain intellectual honesty and ethical behavior and civility. That is of enormous importance to the continuing of our form of government.

Here, today, I again acknowledge my profound admiration to the men and women, and I must add staffers and congressional employees, like those who are sitting behind us today, including my old friend Charlie Johnson, Parliamentarian of the House, who remain in this arena and in the service of America. Here, today, I express my gratitude to the Members of the House and Senate, past and present, of both political parties who have been my friends, who have been my mentors, who have been my teachers, and who have been my legislative partners in many different initiatives.

Let me leave you with one brief observation that may have some relevance today, particularly to newer Members of the House and Senate, in this era of significant challenges abroad but increasingly bitter political warfare here at home. Every major improvement in national security and defense during my time in the United States Senate was a result of a few Senate and House Members of both parties putting our Nation's security ahead of partisan politics. I have never succeeded in any major national security initiative without a Republican partner. No matter who wins the elections this fall, the most serious problems facing America today cannot be met successfully by one party alone.

I thank all the Members who are here today. I thank the Speaker and the minority leader. You have been most generous in sharing your time this morning with our former Members. The time has come for me to invoke cloture before the Rules Committee sends out the hook. So let me thank you again for this high honor, and let me thank each of you for your splendid service and continued service to our Nation.

Mr. Speaker, I yield the floor.

Mr. BUECHNER (presiding). The Chair thanks the gentleman from Georgia.

At this time, the Chair would like to recognize two other special guests that

we have had join us. We have got the gentleman from Maryland, part of the Democratic House leadership, STENY HOYER. Would the gentleman like to make a few remarks?

Mr. HOYER. Certainly. I will, as John Brademas did, I will use the traditionally opposite podium. I understand NANCY had spoken to you a little earlier and welcomed you here. I have spoken at many of these, perhaps not all, in the last few years.

I might say that I heard how long Senator Nunn served in the Senate. There are some of us who believe he did not serve long enough in the Senate; and, Sam, congratulations to you for this honor and appropriate recognition of the extraordinary work that you have done for our country and, happily for our country, continue to do. We appreciate that.

For those of us from the University of Maryland, we recognize Bill Archer's claim to fame is that he is the father-in-law of Fred Funk, the former coach. For those of you who are golf fans, Fred Funk is one of the great golfers in America on the pro circuit and always does a great job; and I always tell Bill Archer that is why he is famous, not for being in the House.

I am pleased to be here with all of you and add my word of welcome to you. I have said it in the past. Sam just mentioned it. At a time of great challenge for our country abroad, we find ourselves unfortunately divided at home, not only in the Congress but our country divided, as all of us know, and that is reflected in the very close divisions that we find when the public goes to the poll; and when they are polled, we find out how closely divided they are.

It is important, I think, for those of you who had the opportunity to serve, and John Brademas, this morning, my predecessor, I hung the pictures of all the former whips in the hallway leading to my office now, an extraordinary group of people.

□ 1015

And, John, thank you for all that you have done for our country as well.

But I would urge all of us, not you and me, but all of us, together, to try to increase the dialogue and understanding, lower the confrontation and increase the cooperation that we so desperately need when challenged so heavily, I think, abroad.

I noticed the Speaker, my Speaker, has his arm around a wonderful staffer as well, Billy Pitts, who left the Congress, went out and made vast sums of money in the private sector, I hope, and is now back with us trying to straighten out DAVID DREIER. A very difficult job, but Billy is so talented, he may be able to do that.

So welcome to all of you. We are glad you are here, but much more importantly, we are glad that you continue to be active, involved, and leaders in our country. Thank you very much. Good to see you.

Oh, I might just say, and I was going to start with this, that, tragically, sadly, and, Larry, I came in as you were reading the list of Members who have passed away, but two of the Members who were my predecessors in the Fifth Congressional District of Maryland passed away this past year.

Dick Lankford, I know some of you knew Dick, he was here for 10 years, served on the Committee on Armed Services. I was a sophomore at the University of Maryland. I think he was the first Member of Congress that I really met. Dante Fascell was the first one I knew about when I was going to high school in Florida.

And then Carlton Sickles. You mentioned Carlton Sickles, who called up Danny Brewster, for whom I was working in 1962 and 1963 and 1964, when I was graduating from law school, and they asked me to run for the State senate. I turned them down twice. Tom, you may remember this. I turned them down twice because I did not think I could win the State senate seat. And Carlton Sickles, who was then the Congressman-at-large over here and was running for Governor, called up Brewster and said, no, urge him to run, he can win. I will help him. We will give him a lot of money, et cetera, et cetera.

You have all been there and done that. I did run. He did give me a lot of support; no money, but a lot of support, and I was successful. But he passed away, and I had the honor of speaking at his memorial service just a few weeks ago.

So we have been diminished by their losses, but we are advantaged by your continuing participation. God bless you. Thank you very much.

Mr. BUECHNER (presiding). In order to provide some sort of balance with the comments by sitting Members, the Chair would like to invite the chairman of the Committee on Rules, the Congressman from California, DAVID DREIER, to say a few remarks.

Mr. DREIER. Thank you very much, Mr. Speaker. Let me just join in the bipartisan welcome and to say that STENY HOYER has just recognized Billy Pitts, and I think it is important to note that Billy Pitts' father worked for 41 years for the longest-serving whip in the history of this institution, Les Arends. Billy, as you all know, worked for Bob Michel and ran this place when we actually were in the majority, even though many on the other side of the aisle did not realize that, during the 1980s, leading up to 1994. Billy made sure that we were in the majority, and I feel very fortunate that he has come back to work with me on the House Committee on Rules. He is sitting next to the guy who appointed me to the Committee on Rules.

And it is interesting as I sit here and listen to the great remarks, and I listened upstairs, I had the television on and listened to Larry's comments about the international involvement that so many of you all are having. I have just come back from a 12-nation and 12-day trip. Billy and I went all over Southern Europe, Central and South Asia. And because I come from California, I have talked to a number of people from Mexico who have referred to the fact that the work of the study group has had a great impact on this very important relationship. So I want to encourage you there.

I also want to join in recognizing my friend Sam Nunn, and you all are absolutely right on target, and STENY is right in saying that we wish he were still here because of the stellar leadership he has provided us. But he is doing it in so many other areas, and I have been thrilled to work with him at CSIS and in a number of other fora.

In just a few minutes, we are going to be beginning a very interesting debate that all of you will be fascinated with, and that is the question of the continuity of Congress. After September 11, we looked at the prospect of this fact. I was the last person to leave the Capitol on September 11. I left about 11 a.m. that morning, and I did so when one of the guards down here said there was a plane they had lost contact with that was headed right for this building. We all know it was the plane that ended up going into the ground in Pennsylvania because of those courageous people who were on board that flight.

After that time we looked at the thought that really had not been contemplated by many, except it was discussed in the 1950s, of a huge loss of life. So we are going to today be considering legislation which would call for expediting the special elections that would be held following that loss of life. And just to give you my view on it, I am struggling because there are some who want to have Governors appoint Members of the House of Representatives or have us actually appoint our successors, which to me is completely counter to the Madisonian view of this being the people's House.

I see two former Members of the Senate here, and you can serve in the Senate by appointment. We know from the former minority leader of this place, Jerry Ford, that you can become President of the United States by appointment, yet we all know this is the only federally elected office where you have to be elected to serve. So we are going to begin in just a few minutes that debate, and I hope that all of you will follow it because it is going to be a fascinating one as we look at this challenge to the institution.

Anyway, I hope it is a long time before I join your ranks, but I just wanted to let you know it is nice to be here with you all. Thanks.

Mr. LAROCCO. Mr. Speaker, I have noticed some former Members have joined us during the course of our report, and I would like to invite them to come up to the desk and make sure their attendance here is noted for the RECORD.

This, essentially, concludes our 34th Annual Report to the Congress. I just

want to say personally that my term is ending shortly as president of the Association. I want to thank the Board and the Executive Committee for their great support, and all of you for your support of the Association and just for giving me the honor and the privilege to serve as your president for the last 2 years. It has truly been a wonderful 2 years to work on the programs here.

And I want to thank Sam Nunn, too, for honoring us here to receive the award and for his great remarks. Thank you so much, Sam. And to our bipartisan leaders of the current Members who have come to greet us.

We have a wonderful program today, starting in just a few minutes, with a press panel over in the Cannon House Office Building, but with that, Mr. Speaker, I yield back my time and conclude my report.

The SPEAKER pro tempore. The gentleman has concluded his report, but before terminating these proceedings, the Chair would like to recognize the gentleman from Florida, Lou Frey, for a special presentation.

Mr. FREY. Mr. Speaker, this will just take a couple of minutes, but I think this is really important. It is a great privilege for me to recognize the outgoing president, Larry LaRocco, for his many years of outstanding service to the organization. As he just said, his term as president comes to an end this year, and all of us, members of the Executive Committee, the Board of Directors, Association members and our staff, wish to thank Larry for his exceptional leadership. He has amazing drive and energy, and he has brought a vision to the presidency like few others before him.

Ever since he joined our Association, he has been such a great asset, and we are glad he will remain on our Board and on the Executive Committee even now that his term as president is ending. In my opinion, and I know many of my colleagues share in this assessment, this Association has taken quantum leaps since Larry became president.

He has talked about the Congress to Campus program that has almost quadrupled in size, the international component that we have, and the tours to Taiwan, France and Germany. In addition, Larry has brought us into the 22nd century, I think, with his space-age technology, and he continues to drag us in that direction.

I personally believe that because of Larry LaRocco's leadership, the U.S. Association of Former Members of Congress is perceived as a vibrant and engaged NGO that allows its unique membership to continue their service to the country. He took existing programs and made them better. He brought ideas to the table that upon implementation have resulted in new and exciting ventures for our Association.

Larry, you just did an incredible job. We thank you so much. And on behalf of the Association, I would like to present this plaque to you, which is just a small token of the thanks for so many years of effort and such a great job, and we truly are blessed with your service. Thank you so much, Larry.

The SPEAKER pro tempore. The gentleman yields back his time.

The Chair again wishes to thank the former Members of the House for their presence here today. And to reiterate the remarks of the gentleman from Idaho, for all those Members present who did not record their presence, please come to the reading clerk and be so designated.

Good luck to you all.

The Chair announces that the House will reconvene at 10:45 a.m.

Accordingly (at 10 o'clock and 25 minutes a.m.), the House continued in recess.

□ 1045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 10 o'clock and 45 minutes a.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. KLINE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

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

There was no objection.

JOHN KERRY DOES NOT BELONG IN THE WHITE HOUSE

(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, on this day in 1971, JOHN KERRY showed his true colors; and they are not red, white, and blue.

Before the Senate, before America, and before the world, he blasted our Nation, chastised our troops, and hurt our morale. He famously declared that soldiers tortured innocent Vietnamese and that America was the worse violator of the Geneva Conventions, not Vietnam.

In 1971 when JOHN KERRY had the freedom to stand up to defy duty, honor, and country, I just emerged from 4 years of solitary confinement, where the Vietnamese did not adhere to the Geneva Conventions.

What he did was nothing short of aiding and abetting the enemy. A person like JOHN KERRY does not belong in the White House.

Is it any wonder my comrades from Vietnam and I have a nickname for him similar to ''Hanoi Jane''? He is called ''Hanoi John.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members not to refer in a personal way to Senators who are candidates for President.

RISING COSTS OF COLLEGE EDUCATION

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

Mr. EMANUEL. Mr. Speaker, today's New York Times states that middle-class families are being edged out of the prestigious universities by rising costs of college education. Access to college for middle-class families has worsened over the last few years, another example of the middle-class squeeze in America.

The greatest disservice that we have done to middle-class families in America is to convince them of the necessity of college education for their children and then priced it out of reach for their children.

College tuition at public universities has increased by 14 percent last year and in certain States by 20 or 30 percent. In my home State of Illinois today, when a college graduate gets a diploma, on the backside is their first Visa bill. Every kid graduates with an average of $15,000 of debt.

College tuition is running three times the rate of inflation; but Congress has not made the investment in higher education, and costs have soared. While college costs have skyrocketed, Pell grants have been frozen for 3 years. And in the year in which we are to reauthorize the Higher Education Act which deals with Pell grants and Perkins loans, what has Congress done?

RECOGNIZING MEMBERS OF 432ND CIVIL AFFAIRS BATTALION

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

Mr. GREEN of Wisconsin. Mr. Speaker, it is my great honor to recognize before this House the brave members of the 432nd Civil Affairs Battalion who are returning home today from their overseas deployment.

Northeastern Wisconsin is often called the ''land of legends'' for our fabled football team, the Green Bay Packers. The gridiron leadership of men like Lombardi and Lambeau and Nitschke made Green Bay synonymous with strength and courage and triumph.

But it is not our sports heroes who make our area truly legendary. It is our servicemen and -women who have put their lives on the line to defend freedom. Under the most difficult conditions, brave troops of the 432nd have

strived to rebuild a nation ravaged by tyranny and war and strife. Obviously, our work there is not yet done. But we can take comfort in the fact that some of our finest countrymen carry the torch of liberty in Iraq.

Mr. Speaker, the members of the 432nd, along with all of our servicemen and -women, deserve our praise, our support, our gratitude. They are genuine heroes.

MEDICARE MODERNIZATION

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, since Medicare was founded, medicine has changed and seniors have changed. We all know how medicine has changed, MRIs, open heart surgery, all the dramatic procedures, all the new diagnostic tests; and Medicare has a cumbersome though slow way of accommodating its system to be able to deliver modern medicine.

More importantly, seniors have changed. They are living longer. They are living with chronic diseases. And Medicare has not accommodated at all to that dramatic change in our seniors' lives.

So I was delighted this week to announce with Secretary Tommy Thompson the implementation of those provisions of the Medicare Modernization Act which will for the first time enable Medicare to deliver to our seniors modern medical care to better support those with chronic illnesses.

Twenty percent of our seniors have five or more chronic illnesses. They use two thirds of the Medicare dollars, and we have not been able to deliver what modern medical science knows about how to prevent the progress of chronic illness. We started today through the Medicare Modernization Act which we voted through in this House, to do just that.

EMBEDDED COSTS OF MEDICAL LIABILITY

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

Mr. BURGESS. Mr. Speaker, we have heard several times about how the embedded costs of the medical justice system, medical liability, negatively impact the medical system in this country. In fact, I think on Fox News over the weekend they had a rather dramatic piece on how the cost of soaring premiums has driven some doctors out of practice.

But make no mistake about it. While it may affect the doctors' livelihood, it ultimately affects access for patients. In my district, that has meant perinatologists, specialists who deal in high-risk obstetrics, who have closed their shops; neurosurgeons who have left town; trauma centers that have been put at risk.

Traveling to Nome, Alaska last summer, I was told by a group of doctors there that they could not afford the liability premiums for an anesthesiologist in the town of Nome, Alaska. When their obstetricians have a complicated pregnancy, they have to put that woman on a plane and send her to Anchorage. I fail to see how that furthers patient safety.

A director of a residency program told me that currently they are now accepting people they would not have interviewed for their obstetrics and gynecology program 5 years ago because young men and women do not want to go into obstetrics and gynecology.

Mr. Speaker, we have a President who will sign a medical liability bill. We have a candidate who has either voted ''no'' or been absent when that bill has come to the Senate.

PRESCRIPTION DRUG COVERAGE

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

Mr. REHBERG. Mr. Speaker, for the first time in history, seniors across the country are about to have an option of choosing Medicare prescription drug coverage if they so desire. Beginning May 3, thanks to the improvements we made to Medicare, each beneficiary will be entitled to select a prescription drug discount card of their choice that will provide immediate savings, including a $600 credit for qualifying low-income individuals.

Those who voted against these changes do not seem to want seniors to know that the new prescription drug coverage will help 14 million low-income Medicare recipients who need it most, those who are having to choose between food and medicines they need.

For the past 4 months, those who have voted against the drug coverage have not been sharing with seniors information about the new opportunity to sign up for prescription drug coverage.

Why should seniors not be allowed to learn that they will soon have choice and control over their prescription drug plans? Do seniors not have the right to know that their new coverage will give them better access to more prescription drugs at lower prices? Do they not have the right to know that if they already have prescription drug coverage that they can stay with their plan if they like it?

Ten days from now seniors will be free to choose for themselves.

DISPARAGING REMARKS BY JOHN KERRY

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

Mr. KLINE. Mr. Speaker, I rise today with many of my fellow veterans in this body to bring attention to a serious decision facing our Nation. Very soon the American people will be asked to make an important choice. We will be asked to decide who will best lead our Nation for the next 4 years. One candidate, JOHN KERRY, would claim to have the best interests of America at heart. However, Mr. KERRY's history tells a different story.

Thirty-three years ago today, he stood before the Senate Foreign Relations Committee disparaging, disparaging our brave servicemen and -women as murderers. Yet today in pursuit of the Presidency of what he called a ''hypocritical'' Nation, he boasts of his service alongside them.

Every man and woman who has stood in defense of our Nation deserves our thanks. But JOHN KERRY's service does not excuse him from joining ranks with Jane Fonda and others in speaking ill of our troops or their service then or now.

On the anniversary of these outrageous claims by JOHN KERRY, I believe we must remind the veterans of our United States Armed Forces, past, present, and future of our appreciation, of our thanks for their service to our military and our Nation.

JOHN KERRY SHOULD APOLOGIZE TO AMERICAN VETERANS

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

Mr. WILSON of South Carolina. Mr. Speaker, 33 years ago today, John Kerry appeared before the Senate to talk about Vietnam. Many veterans, including myself as a veteran, view JOHN KERRY's testimony that day as one of the worst public slanders ever against the valor and character of the American military.

In a sad act of political theater, JOHN KERRY accused American soldiers of rape, torture, murder, and even offered up comparisons of Genghis Khan. What he said that day has been discredited. Some of the men used as sources for war crimes later were found to have never been to Vietnam.

Yet just last Sunday on ''Meet the Press,'' JOHN KERRY failed to apologize for his extremist accusations. His words in 1971 are important because he used false information to turn public opinion against the men who were serving their country honorably, such as the gentleman from Texas (Mr. SAM JOHNSON), who survived 7 years as a POW in Vietnam.

These troops returned to face unfair persecution, and John Kerry owes them an apology.

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

EARTH DAY

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

Mr. MICHAUD. Mr. Speaker, today is Earth Day, and the President is coming to my home State of Maine to speak about the environment.

Unfortunately, the administration has taken us backward in protecting the environment, and Maine is worse off because of it. In August, the EPA rolled back pollution controls for coal-burning plants in the Midwest and just recently announced plans to allow more mercury to be emitted into the air, just as we find that many parts of Maine do not meet quality air standards.

This is not just bad for air. It is bad for jobs. When the EPA rolled back mercury regulations in August, hundreds of pipe fitters were laid off because the pollution-control equipment they installed was no longer needed.

Protecting our air is not a partisan issue. Clean air improves public health, saves money, and can create jobs for Americans. The administration cannot just ''outsource'' the responsibility for protecting our environment to another country.

JOHN KERRY AS COMMANDER IN CHIEF?

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

Mr. CUNNINGHAM. Mr. Speaker, Colonel Bud Day, former Vietnam prisoner of war for over 6 years, recalls in his book on how Jane Fonda, Ramsey Clark, and JOHN KERRY energized the enemy through their accusations and hurt them as prisoners of war.

Mr. Speaker, I was shot down over North Vietnam at that time. I can remember the anger and the disparaging remarks that JOHN KERRY made about our service. I remember the rage in all of us from his slander.

I am proud of the men and women that I served with in Vietnam and those that are serving us at great risk today in Iraq and Afghanistan and all over the world.

Even today, JOHN KERRY votes against defense, the military, veterans, and intelligence bills that would enforce the safe return of our men and women. We do not need someone that would vote like a Jane Fonda as commander in chief.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that personal attacks on Members of the Senate do not comport with the rules of the House.

JOHN KERRY'S ACCUSATIONS AGAINST AMERICAN SOLDIERS IN VIETNAM

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

Mr. HUNTER. Mr. Speaker, when Americans watched U.S. troops take Baghdad through embedded media, they saw the American GI in his true character. They saw a GI who was compassionate, who was honorable, and who had great courage. In a way they saw also the GIs of Vietnam because in many cases those were the sons and grandsons and granddaughters of people who had fought in Vietnam, people who had the same character, the same honor, the same courage.

□ 1100

Yet we have had a person who is running for President, Senator JOHN KERRY, describe those people as having murdered 200,000 people in Vietnam, being stoned on pot 24 hours a day, that is he said 60 to 80 percent of them, and ravaging the country in a Genghis Khan-like fashion.

I think Americans have a choice. If you feel that your son or daughter did those acts in Vietnam, if that was a true characteristic of American GI's in Vietnam if you served in Vietnam, if you think your husband conducted himself in that fashion, perhaps you want to vote for JOHN KERRY. If you think that is a wild-eyed, nutty statement that is not an appropriate statement for somebody running for President of the United States, vote against JOHN KERRY.

TROUBLING REMARKS BY JOHN KERRY

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

Mr. GIBBONS. Mr. Speaker, I rise today also to highlight some very troubling remarks by JOHN KERRY, who is now seeking the Presidency of the United States, our Commander-in-Chief.

In 1971, KERRY testified before a Senate committee that communism was not a real threat to the United States. He went so far as to say that the U.S. was ''reacting under Cold War precepts which are no longer applicable.''

Mr. Speaker, that was 1971. I think we can all agree the Cold War was very much applicable and continued to be for the next two decades.

Now JOHN KERRY has the gall to compare our efforts in Iraq to Vietnam.

Mr. Speaker, as a veteran of Vietnam War, I take great offense to Mr. KERRY's statements, then and now. Our efforts in Iraq have liberated millions of civilians from a brutal dictator that has used weapons of mass destruction against his own people.

The world is a safer place without Saddam Hussein in power, and the United States is a safer place with President Bush as Commander-in-Chief.

KERRY PLANS TO ELIMINATE SMALL BUSINESS FEDERAL CONTRACTS

(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, the Nashville Business Journal recently ran an article entitled ''Kerry Plan Would Cut 100,000 Government Contracting Jobs.'' This was reporting on JOHN KERRY's plan to eliminate 100,000 private sector contractor jobs. Apparently, he does not feel that the private sector provides much bang for the taxpayer buck. His solution is bigger government, less competition.

According to the Professional Services Council, small businesses would bear the brunt of KERRY's return to big government. Last year, small businesses competed for and won $63 billion in government contracts, equaling more than 25 percent of the Federal Government's contracting budget.

Study after study has shown that contracting with our Nation's small business sector reduces the cost to taxpayers, conserving taxpayer dollars. That should trump favors to special interests and big business any day.

Mr. Speaker, those of us in touch with folks outside the Beltway know small businesses make this country run.

DISPARAGING THE HONORABLE SERVICE OF VIETNAM VETERANS

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

Mr. STEARNS. Mr. Speaker, 30 years ago a Vietnam veteran went to the Senate Committee on Foreign Relations and he delivered a stinging indictment of our American troops, all of the American troops serving in Vietnam. He stated that murders and other crimes were ''not isolated instances, but crimes committed on a day-to-day basis with the full awareness of officers at all levels of command.''

That individual who alleged that our military openly and systematically violated the Geneva Conventions more than any other body is now running for President, and that is Senator KERRY.

Many of these charges rose from the Winter Soldier Investigation, where activists gathered to describe these war crimes. It was later learned that many of those who confessed these war crimes never served near a battlefield. It was a fraud.

Senator KERRY disparaged the honorable service of all the countless veterans who served in Vietnam with these charges, and he should apologize for what he said against his fellow veterans.

IN DEFENSE OF JOHN KERRY

(Mr. LARSON of Connecticut asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, especially with so many in the gallery today, I rise to defend JOHN KERRY from the onslaught on the floor today, a decorated veteran in Vietnam, a person who received three Purple Hearts and the Silver Star for serving with distinction. And now, because he is a candidate for President of the United States, he receives the unbridled attack from the opposition.

We ought to rise above this here on the floor of the House and across the Nation in this debate. What we need to do is focus on the issues that this country desperately needs to address, seniors that need prescription drugs, people that are out of work and unemployed.

What we need is leadership, the kind of leadership that JOHN KERRY provided in the fields of Vietnam, that he has provided with distinction in the United States Senate, and that he will provide as President of the United States.

THE BENEFITS OF MEDICARE'S NEW DRUG PROVISIONS

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

Mr. BLUNT. Mr. Speaker, for too long seniors have been paying extraordinary high prescription drug costs with no relief measures in sight. But thanks to the recently signed Medicare and Prescription Drug Improvement and Modernization Act, Medicare will now provide drug cards to all seniors who need them at a cost ranging from a $30 maximum each year to free.

These cards, even for those who would get them for free, are completely voluntary. They will be made available to seniors beginning June 1 of this year. Low-income seniors will have a $600 annual credit on their card. Seniors can sign up for a Medicare-endorsed discount card as early as May 3.

Seniors are encouraged to find out what card is best for them by calling 1–800–MEDICARE and asking about drug savings. Seniors and their families can visit www.medicare.gov to find out more about which card is best for them where they live.

Mr. Speaker, I encourage all seniors and people who care about them to inquire about enrollment, to see if this is a better plan for them, and to begin immediately saving on their drug costs.

CREDENTIALS NEEDED FOR THOSE ATTACKING JOHN KERRY

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

Mr. MCDERMOTT. Mr. Speaker, I came to the floor to talk about Earth Day, but listening to what is going on out here makes me think I will change my subject.

I spent 2 years, 1968 to 1970, as a psychiatrist in the United States Navy taking care of people who lived through what JOHN KERRY went to war about, and for anybody to come out here and attack his war record, you have to have pretty good credentials.

Now, if you served and showed up for drills at your local National Guard, I think those would be acceptable credentials. But if you were in the National Guard and you did not show up, you were AWOL for a whole year, you have got real nerve to start an attack on JOHN KERRY's character.

During that war many people on both sides of the issue, whether we should go to war or were against the war, acted bravely. But some people were simply not available. They never showed up for their flight physical. They were not there.

ATTACKS ON JOHN KERRY SHOULD NOT BE COUNTENANCED

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

Mr. INSLEE. Mr. Speaker, one of the things America abhors is a sneak attack. President Roosevelt in this Chamber described December 7 as a day that would live in infamy.

What I saw a few minutes ago is a sneak attack on a Member of the U.S. Senate by a bunch of my colleagues who came down here and disparaged him, contrary to the rules of the House. The Speaker repeatedly admonished them for violating the best traditions of this House, and my colleagues continually came to the Chamber to continually violate those traditions of this House.

Mr. Speaker, I want to give notice that we have a long time in this election period coming up, and we have problems deciding what we are going to do about Iraq, and it is not going to help us if we turn this into a Chamber of personal assassination.

Let me just say, there is a lot of nerve in this Chamber attacking a guy who has a Bronze Star, a Silver Star and Purple Hearts in the tradition of his Nation, and it should not be countenanced by the Speaker ever under any circumstances, whether Democrats are in the Chamber to object or not.

PARLIAMENTARY INQUIRY

Mr. LEWIS of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. LEWIS of Georgia. Mr. Speaker, I just want to raise a question. Is it proper, is it appropriate, is it a violation of House rules for Members of this body to attack Members of the other body by name?

The SPEAKER pro tempore. When a Member of the Senate is a presumptive nominee for President, it is proper and fair to speak about the Senator's record, but not to make personal attacks.

Mr. LEWIS of Georgia. Mr. Speaker, it is my understanding this person is not even the nominee of his party yet.

The SPEAKER pro tempore. The Chair has not purported to identify an actual nominee.

PARLIAMENTARY INQUIRY

Mr. INSLEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. INSLEE. Mr. Speaker, is it appropriate for the Speaker, who presides over this Chamber, when there is a clear and direct personal attack using personally disparaging comments about a Member of the United States Senate on a repeated basis, is it appropriate or allowable for the Speaker to interject and prohibit that activity, even without a Member of the Chamber expressing a concern?

In other words, does the Speaker have the ability to exercise preemptory power to enforce the rules of this House when there is a sneak attack disparaging the personal integrity of a U.S. Senator?

The SPEAKER pro tempore. That is the Speaker's role, and the Member should have seen the Chair admonish those not following the rules.

HONORING THE GARDEN GROVE ELKS CLUB

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the Garden Grove Elks Lodge 1952 for their contributions to my community of Garden Grove, California.

The Garden Grove Elks Club is just one of thousands of Elks chapters across this Nation. They operate on the ideals of charity and patriotism, contributing to schools, police and fire departments, and also working with their youth in their community.

The Elks Club consists only of volunteers, those citizens who strive to make a difference based solely on the goodness of their heart.

I would also like to recognize Elks Lodge 1952's newly installed officers: Dave Offhaus, Dave Skelton, Gary Mueller, Randy Barrows, Lynn Johnson and Jim Faulkner. I wish these new officers much luck in the coming year, and I would also like to extend my appreciation for all that they do for our community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will clarify what he had said to the gentleman from Washington.

In the event that a Member does need to be interrupted for improper references to presidential and nominated

candidates, the Chair will interrupt the Member and admonish the Member if he is not in comportment with the rules.

MAKING IN ORDER AMENDMENT IN LIEU OF AMENDMENT 3 PRINTED IN HOUSE REPORT 108–466 DURING CONSIDERATION OF H.R. 2844, CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. HASTINGS of Washington. Mr. Speaker I ask unanimous consent that during consideration of H.R. 2844, pursuant to House Resolution 602, the committee amendment in the nature of a substitute recommended by the Committee on the Judiciary be considered as the original bill for the purpose of amendment, and the amendment I have placed at the desk be in order in lieu of the amendment printed in part B of House Report 108–466 and numbered 3.

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

The Clerk read as follows:

An amendment offered in lieu of amendment No. 3 printed in House Report No. 108–466 offered by Mr. SKELTON of Missouri: In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

''(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

''(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

''(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.''.

Mr. HASTINGS of Washington (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 602 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(c)(4) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed 60 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1115

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 602 is a structured rule providing for the consideration of H.R. 2844, the Continuity in Representation Act of 2004. The rule provides 60 minutes of general debate with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the bill for failure to comply with clause 3(c)(4) of rule XIII requiring the inclusion of general performance goals and objectives in a committee report.

The unanimous consent request just agreed to provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment which shall be considered as read.

The original text for purpose of the amendment will not include the text of part A of the Committee on Rules report. The unanimous consent agreement also makes in order the bipartisan amendment of the gentleman from Missouri (Mr. SKELTON), the gentleman from Missouri (Mr. BLUNT), and the gentlewoman from New York (Mrs. MALONEY) in lieu of the Skelton-Maloney amendment printed in part B of the Committee on Rules report.

The rule provides that the amendments made in order shall be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the whole House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides for one motion to recommit with or without instructions.

Mr. Speaker, the tragic events of September 11, 2001, made clear that, as much as we might wish otherwise, at some point in the future it may be necessary to replace a large number of Members of this body killed in some type of a terrorist attack.

As my colleagues know, the Constitution has always required that the vacancies in the House, no matter how many or what their cause, be filled only by popular election of the people. The timing of such special elections is set on a state-by-state basis. Some States require that congressional vacancies be filled relatively quickly

while others it takes quite a few months before a special election is held.

Such disparities are little cause for concern when vacancies are few and far between, as has thankfully been the case throughout the long history of this body. In those cases, only the citizens of a district temporarily left without representation are adversely affected until that vacancy is filled.

However, Mr. Speaker, we face a grim new reality today. The reality is that so many vacancies might suddenly occur in the House that our ability to function and to be confident that the decisions made in this Chamber reflect the broad desires of the American people, as expressed by their ballots, could be severely impaired.

That harsh new reality must be faced squarely. This, after all, is a national government and we are the Nation's legislature exercising national responsibilities. We must be able to act in the best interest of the Nation, and never more so than following a major catastrophe. No longer, Mr. Speaker, do we have the luxury of leaving it to the 50 States to decide when it would be possible to fully reconstitute the people's House in the wake of a deadly tragedy.

My colleagues will recall that after the attacks of September 11 the House passed H. Res. 559 expressing the sense of the House that each State should examine its existing statutes, practices, and procedures governing special elections so that in the event of catastrophic vacancies in the House, those vacancies might be filled in a timely fashion. Regrettably, Mr. Speaker, only one State, the State of California, has responded to that request and changed its election laws to provide for expedited special elections in the wake of a catastrophe.

I should note also, Mr. Speaker, that the impetus for that resolution was in part work done by a bipartisan task force chaired by the House Republican Policy Committee chairman, the gentleman from California (Mr. COX), and my colleague across the aisle, the gentleman from Texas (Mr. FROST), who then served as the chairman of the Democratic Policy Committee. The Cox-Frost task force met regularly during the 107th Congress to consider a wide range of issues following under the umbrella of the ''continuity of Congress.'' Since then I am pleased that a number of Members on both sides of the aisle have continued this important dialogue, seeking neither personal gain nor partisan advantage. After all, surely no Member's election will be won or lost over this issue, nor should it.

The bill we will consider today represents but one part of a comprehensive strategy for preparing for the unthinkable. For that is what we are doing, preparing for the unthinkable. And prepare we must. H.R. 2844 is a key element of that strategy. We simply must make it possible for the people to reconstitute the people's House as quickly as possible if a large portion of this body is suddenly deceased.

To be sure, there are other equally important continuity issues still to be addressed. We must, for example, consider appropriate responses in the event that a large number of Members are incapacitated rather than killed. Certainly in a time of chemical, biological, and radiological weapons, that is a potential scenario that cannot be ignored.

In order to act, the Constitution requires the House to achieve a quorum of Members, a quorum of a majority of all Members living and sworn. When a Member dies or resigns, the Speaker under the rules adjusts the quorum. However, the Framers never contemplated and made no provision for the need to adjust the required quorum when a large number of Members are still living but unable to carry out, temporarily or otherwise, the duties of the office. Simply put, under current law, if more than half the House were to become incapacitated, yet not deceased, the House would be unable to act at a time when the need to do so could hardly be greater.

Therefore, I am pleased, Mr. Speaker, to advise my colleagues that this complex issue of incapacitation will be the subject of a hearing to be held next week by the House Committee on Rules under the chairman, the gentleman from California (Mr. DREIER), whose personal involvement and leadership on these issues, frankly, has gone largely unreported, but has contributed immeasurably to this important continuity in Congress effort.

Indeed, the gentleman from California (Mr. DREIER) and the Committee on the Judiciary chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), are the principal authors of the bill which will shortly be before us, the Continuity Representation Act of 2004.

Mr. Speaker, H.R. 2844, which was reported favorably by both the Committee on House Administration and the Committee on the Judiciary, provides for the expedited special election of new members to fill seats left vacant due to extraordinary circumstances. Such circumstances would be deemed to exist when the Speaker announces that vacancies in the House exceed 100 Members, in other words, more than 100 Members of this body have been killed. When such extraordinary circumstances occur, a special election must be held within 45 days unless a regularly scheduled election is to occur within 75 days.

The bill provides political parties with a 10-day window in which to nominate candidates and sets forth judicial review procedures for announcements by the Speaker regarding those vacancies.

The Congressional Budget Office estimates that H.R. 2844 would have no significant impact on the Federal budget. Although the bill does contain an unfunded mandate, this mandate does not exceed the threshold amount established in the Unfunded Mandates Reform Act.

Mr. Speaker, in closing, let me acknowledge that there are some Members in this Chamber who believe that we should amend the Constitution to permit the immediate appointment of replacements in the event that a tragedy as I described should occur. That is not my position, Mr. Speaker, for I share the framers' love for their ideal of a House of Representatives of the people, for the people, and elected by the people.

But I do sincerely believe that our colleagues who support the constitutional amendment deserve an opportunity for consideration of the merits of that approach. Many Members will be pleased to learn that we have been assured that such an opportunity will take place in the very near future.

At the same time, I think equally important would be to provide supporters of expedited special elections an opportunity to consider their legislation. Those who disagree should bear in mind that enacting this bill that we are going to take up today will do little or nothing to affect the odds of a constitutional amendment of continuity being adopted and eventually ratified.

And, for at least several years, neither approach precludes the other. Because let us be completely honest about this: even if successful, under the best circumstances, it takes several years to amend the Constitution. So in the meantime does it not make sense to do the work that we can within our existing constitutional framework to prepare for the worst?

Mr. Speaker, that is the question that can only be answered by the entire House. Accordingly, I urge my colleagues to support the rule for the consideration of H.R. 2844 so that the important debate may begin.

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

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

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

Mr. FROST. Mr. Speaker, it has been over 2½ years since terrorists commandeered four airplanes and killed 3,000 people in New York, Washington, and Pennsylvania. The events of September 11, 2001, made it abundantly clear that the United States is not immune from attack. But I am deeply concerned that for most Members of the House that day did not make a deep enough impression about what might happen if this institution or its Members were successfully targeted by terrorists or other enemies of our democracy. United Flight 93 was headed here. Had it not been for the brave souls on that plane who fought the terrorists who took over their flight, this very building could have been destroyed. Had Flight 93 not been taken down in the field in Pennsylvania, a

large number of Members might have been killed.

On September 11, 2001, we did not have a procedure in place to reconstitute this body. And on April 22, 2004, we still lack such a plan. I am sad to say, Mr. Speaker, that the bill before us today does not give us a viable plan. And the manner in which this bill is being brought to the floor does a disservice to the very serious issue of continuity of government.

The very fact that the chairman of the Committee on the Judiciary has chosen to push this remedy to the exclusion of any other idea shows that the leadership of this House has chosen to make this a partisan issue. And the stability of our government and its institutions should not now, or ever, become a partisan issue.

In the spring of 2001, the gentleman from California (Mr. COX) and I co-chaired a bipartisan working group that sought to examine the issues in play. No Member in the history of this body has ever taken the oath of office without first having been elected by the people.

Mr. DREIER. Mr. Speaker, would the gentleman yield? I wanted to clarify one point that my friend was making.

Mr. FROST. Mr. Speaker, the gentleman from California (Mr. DREIER) will have time. I need to finish my statement, but then I will be glad to yield.

□ 1130

Mr. FROST. Given that no Member in the history of this body has ever taken the oath of office without first having been elected by the people, the group focused on what might have been done within the law or with statutory amendments to replenish the House in the event of a catastrophe.

We had on a bipartisan basis serious and thoughtful discussions. We made modest but important changes to the rules of House that aid the Speaker in the event of a catastrophe. We passed a resolution that called on the States to put into place procedures by which expedited elections might be conducted in the event that a large number of Members are killed.

But the members of the working group grappled with much larger issues, that of incapacitation, if it would be possible to skirt the constitutional requirements for election through statutory changes, the judicial review of decisions made by a House composed of only a few Members.

We soon realized that those Members as well as many others needed to be addressed by the committees of jurisdiction. We had high hopes of a thoughtful, serious, nonpartisan debate and serious issues. What we got instead was a poorly thought out and wholly inadequate response to the questions we raised 2 years ago.

I know the Chair of the committee will want to seek recognition in a moment, and I will acknowledge that the Chair said yesterday that the Committee on the Judiciary will mark up a constitutional amendment in the immediate future, and for that we are very grateful. Unfortunately, that amendment is not here on the floor, and we do not know when that amendment will actually have the opportunity to be voted on upon the floor.

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

Mr. FROST. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let me clarify again the statement that I made when this question came forward.

The chairman of the Committee on the Judiciary is here on the floor, and, as you know, in the past couple of weeks he and I have been discussing and I have shared those conversations, and the chairman has indicated his willingness to at the next markup the Committee on the Judiciary holds, they will mark up the constitutional amendments that you all put forward.

And I think it is also very important for us to note that we have been seeking, having worked with the task force that the gentleman and my colleague, the gentleman from California (Mr. COX), shared to work in a bipartisan way on this, and I know from having had discussions with friends on the gentleman's side of the aisle that there is, in fact, bipartisan support for the effort that we are proceeding with here. And that is one of reasons that as we look at the structure of this rule, we did make in order amendments offered by Democrats.

I see my friend, the gentleman from Connecticut (Mr. LARSON), here who has a thoughtful one. I know the gentleman from Washington (Mr. BAIRD) has been working on this issue as well. I will say to my friends, bipartisanship is something that we have been seeking on this, and I hope at the end of the day we will be able to find that.

Mr. FROST. Reclaiming my time, Mr. Speaker, the issue is of serious magnitude. While the chairman of the Committee on the Judiciary has indicated he will mark up a constitutional amendment, we have no assurance that that amendment will be considered on the floor by this body in a timely manner this year.

Let me, if I may, address comments not just to the chairman of the committee and the chairman of the Committee on the Judiciary, but to all the Members of this House. The reason that some of us and many of us feel that this legislative approach is inadequate, and that a constitutional approach is the only one that can serve this country, is that if a number of Members were killed in a common disaster, the period of time that would pass before this House could be reconstituted under the bill that is being voted on today is unacceptable. We would find ourselves without a functioning Congress perhaps for months under this bill.

Now, there is an historical anomaly in our Constitution that provides that Members of the Senate when they die can be replaced by an appointment of a Governor, and there is no such procedure in the Constitution for Members of the House. The reason for, the gentleman will have plenty of time, the reason for this historical anomaly is that when the Constitution was originally drafted, Members of the Senate were chosen by appointment. They were appointed by their State legislatures, and when we went from an appointed Senate to direct election of the Senate, the power of Governors to replace Senators was continued.

There was no such provision for Members of the House. That does not mean that in this 21st century today that there should not be such a procedure. The fear is that if a large number of Members were to be killed in a common disaster, that the Congress could not function in a timely manner when the country would most need a Congress.

Now, there is a second unfortunate aspect of current law. Under current law, a quorum of the House of Representatives is a majority of those Members living and sworn into office, sworn and living, so that if, of the 435 Members of the House, if, for sake of argument, 400 were to be killed in a common disaster, and 5 survived because they were not present in the Chamber at the time of the disaster or for whatever reason, 3 Members of those remaining 5 would constitute a quorum. And you could say, well, then the Congress could continue to function with those 5 Members.

The question that I would pose is would decisions made by three individuals be respected by the country at a time of crisis? We have to provide for continuity in our government, and for us to pretend that a terrible disaster like this could never happen, and we all hope that it never happens and trust that it never happens, but for us to pretend that it could not happen, and that if it did happen, oh, we would have a leisurely pace of months to replace Congress during that time does a disservice to our form of government and to the people that we represent.

Now, there are disputes and concerns on the type of constitutional amendments, on how you provide for the prompt, orderly replacements of Members. People have different views on that. Some people feel that the Governor should be able to appoint their replacements just as the Governor can appoint a Senator. Others feel that the Members in advance should be able to put a list, put together a list and designate who their successor would be, or perhaps have a list and the Governor chooses from that list. There are a lot of provisions that could be considered.

What we are saying is that this House now, not a couple of months from now or a couple of years from now, should face up to this hard decision, should consider a constitutional amendment on this issue, submit it to the people so that if, God forbid, there

were a disaster in which all or substantially all the Members of the House were killed in a terrorist attack, that our government would go on. If we do not do this, then we will cede total power and authority to the executive branch, if there is an executive branch at the end of a common disaster, and presumably there would be in some form, and there would be no functioning legislative branch for a period of months.

That is why many of us, and I will complete my statement, the other side has plenty of time to make their points, that is why many of us feel this legislation is inadequate and is a poorly thought out response to a situation that, while we hope never happens, could put this country and our form of government in serious jeopardy.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, a gentleman who has worked extremely hard on this continuity issue.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me time. I appreciate his very, very thoughtful opening statement.

I want to thank my friend, the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary with whom I have been privileged to work with on this; the whip; I mentioned my friends, the gentleman from Texas (Mr. FROST) and my colleague, the gentleman from California (Mr. COX) who in the last Congress chaired a task force on this. I know the gentleman from Washington (Mr. BAIRD) and the gentleman from Connecticut (Mr. LARSON) are very thoughtful Members who have spent a great deal of time contemplating this issue.

Mr. Speaker, September 11 of 2001, as we all know, was a devastating day for our Nation. It really launched the global war on terrorism. It changed all of our lives. And many of us had not pondered the thought of this Capitol being under attack. I was, in fact, the last person to leave this building on September 11 of 2001, and I did so when one of the guards said that there was a plane they had lost contact with, and it was headed right towards this building, and it ended up being the plane that was very courageously taken down by those passengers into the ground in Pennsylvania.

Since that time, Mr. Speaker, a great deal has been done focusing on this issue of what would happen if we were to see a tremendous loss of life of Members of the House of Representatives.

We know that almost immediately the Speaker of the House took some steps. He established the ability to adjourn to an alternative place and to declare an emergency recess, the ability to effect a joint leadership recall from a period of adjournment through designees, and requires the Speaker to submit to the Clerk a list of designees to act in the case of a vacancy in the office of the Speaker.

These are actions that the Speaker has taken codifying a number of important things, including the quorum provision, which does allow us to continue our work.

As I listen to the remarks by my friend from Dallas (Mr. FROST), the ranking minority member of the Committee on Rules, I do think it is important to note that we do have a bicameral Legislature, and the United States House of Representatives does not operate unilaterally. So there would, even if we went through a period of time, and I would say it would not be months. Our legislation that the gentleman from Wisconsin (Mr. SENSENBRENNER) and I have calls for special elections to be held within 45 days following that disaster.

Let me say that the legislation that we do have addresses a number of very important issues, but I want to get to this issue of service here, representation, and what our framers went through on this question.

When I was an undergraduate, I had a professor, with whom I spoke last night, who pounded the Federalist Papers into me. It was after that great Constitutional Convention, and I remember when we marked the bicentennial of the Connecticut Compromise, and the House of Representatives convened in Philadelphia on July 16 of 1987 to mark that. It was the Connecticut Compromise that established this bicameral Legislature, which is a very, very important thing for us to note.

And what I did last night is I went through and I started rereading the Federalist, and I went to some of the items that were mentioned, Federalists 52 through 57, where James Madison talked at length about this institution. And some of the things that I believe are important for us to note on this as we look at the work of James Madison is that he talked about as he was justifying the Constitution this importance of the institution being elected, and a couple of items that he raised.

He said in Federalist number 53, ''Where elections end tyranny begins.''

As my friend, the gentleman from Washington (Mr. HASTINGS), pointed out, it was very clear that this House is the only Federal office where no one has ever served without having first been elected. And they talked about the fact that this is the body of the people. The other body is the body of the States. Madison in Federalist 52 wrote, ''It is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on and an intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured.''

He went on in Federalist 57 to write, ''Who are to be the electors of the Federal representatives? Not the rich more than the poor, not the learned more than the ignorant, not the haughty airs of distinguished names more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States.''

And Madison rejected the idea that appointment of Members is acceptable to the American public. He said, ''The right of suffrage is certainly one of the fundamental articles of democratic government and ought not be regulated by the Legislature. A gradual abridgement of this right has been the mode in which aristocracies have been built on the ruin of popular reforms.''

I think it is very important for us to understand that there have been times in our Nation's history where we have faced even greater difficulty than we do today, and that was the Civil War. If we think back to the time of the Civil War, this Capital was surrounded by troops who were threatening our very being. And yet President Abraham Lincoln proceeded with elections, understanding how critically important that is for our Republic's survival.

□ 1145

That is why when we look at some of these options, the stand-in provision, whereby Members of the House would actually select their successors if they were to lose their life, we ask about the challenges that would be before us. Will stand-ins be responsible for passing laws, declaring war, or suspending habeas corpus or perhaps both? Will stand-ins be running for office in special elections? Would those follow soon after their appointments? What incentive does someone who has gotten into this House by appointment have to, in fact, be responsible to the people? Is it possible that we could, through intrigue or cabal, see some make an attempt to prevent the prospect of elections in the future?

I just believe that when we take this very, very unique institution, the people's House, where no one has served without having been elected and move in that direction away from elections, we threaten the very basis on which this institution is founded. So that is why, as we look at this tough challenge, this legislation is the most responsible way to deal with it.

If we look at the loss of more than 100 Members, the idea of having the States hold special elections in that 45-day period is something that is doable. My State of California went through last year an unprecedented time. We had the recall of a Governor; and with the election that took place, it was 55 days after we saw certification, and it was not a single congressional district where 644,000 people reside and there are two to three candidates. We had 125 candidates on the ballot, and we have a State of 35 million people; and I am happy to say that that election came

off without a hitch. Many people had predicted doom and the fact that it could not work; and that is why I believe that for us to deal with this situation, if we do see tremendous loss of Members of Congress, this country will have suffered greatly.

I am convinced as we look at the struggles taking place in Iraq today that the building of a democratic institution is something that is very important; and I am convinced, too, that following a tragedy, after people are feeding their families and getting a roof over their head, choosing their leader is a very important key to success and proceeding and survival; and that is why I believe that this legislation would, in fact, provide us an opportunity to do that.

We are going to have a great chance for rigorous debate today, and I will say that it is because I believe that Members of the minority who are proponents of the amendment to the Constitution, that I did get in contact with the chairman of the Committee on the Judiciary and asked him to do this, and he agreed very readily to at his next markup, as I just said, report out the constitutional amendment.

While I am not in a position to guarantee, I would say to my friend from Dallas, to say exactly when this would be scheduled, we are trying to have a full debate on the constitutional amendment on the floor, but as the gentleman from Washington (Mr. HASTINGS) said in his opening remarks, it seems to me to be very important for us to use the structure that exists for us today, and that is, the legislative structure, to deal with this.

This legislation may not be the panacea, but I think that it is so important to realize again, Madison said, ''When elections end, tyranny begins,'' we should do everything we possibly can to make sure that we keep the very precious election process.

I thank my friend for yielding me the time.

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

Mr. DREIER. I know the gentleman from Texas (Mr. FROST) has time, but I yield to the gentleman from Washington.

Mr. BAIRD. Mr. Speaker, I appreciate the gentleman's reference to Madison. I have spent a fair bit of time studying Mr. Madison as well.

My question would be, where in the Federalist Papers or in the entire body of information from the Constitutional Convention do we see provisions for how this body should deal with the complete elimination of its Members or for how the executive branch should function in the absence of a constitutional quorum within the Congress?

Mr. DREIER. If I could reclaim my time, what I would say is that the Civil War was a time when this Republic faced its greatest threat, greater than the threat that we face today, and the answer that was provided at that point by President Lincoln was to proceed with elections, and so, of course, there was tremendous uncertainty at the founding. We saw all kinds of challenges, but Madison continued to go back time and time again.

He argued at first for annual elections and then they ended up with this issue of biennial elections, and so we have had the Speaker establish this quorum requirement.

My friend says it is true that it is possible that very few Members could be serving here in the House; but within 45 days, those special elections would be held under the structure that we have, and there would be a chance for us to deal with those issues.

I would say that I somewhat rhetorically ask what issues would we be dealing with here in the House of Representatives? Health care? a tax issue? No, we would be dealing with the crisis that would be before us at that time, and that is why I am convinced that the best way to do that is to have the people's representatives make that decision, and I am convinced that that could happen within a short period of time.

I thank my friend for his contribution, and let me again compliment him for all the time and energy he has put in the effort.

I thank my friend for yielding this time, and I look forward to our debate.

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

Mr. Speaker, this is as serious a matter as we could have before the House. We run the risk of becoming a herd of ostriches in putting our heads in the sand.

This is not the 18th century. This is not the 19th century. It is not even the 20th century anymore. It is the 21st century. No one in the 18th century or the 19th century could have contemplated the type of terrorist act that could potentially eliminate at one time all or virtually all the elected Members of this House. We hope that never occurs, but for us to ignore the possibility that it could occur in the 21st century does a great disservice to the American people.

Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. LARSON).

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, I want to compliment the gentleman from Texas and associate myself with his remarks.

I rise to reject, without prejudice or malice, the previous question, the rule, and the underlying bill. As has been mentioned, this is not partisan disagreement because the issue does not advantage or disadvantage either party. This is a disagreement on the wisdom of the proposed policy. I am against the bill because it fails to correct the most egregious problems caused by forcing all States to conduct elections within 45 days of the Speaker's announcement of mass Member fatalities.

Regardless of how one feels about a constitutional amendment to address congressional continuity, we should defeat this bill because it will not work in practice and does not address the need to ''stand up'' the Congress immediately following a disaster. It does not support the immediate restoration of representative democracy, a key element in the Connecticut Compromise, noting that as important as it is that the people elect representatives, it is equally important to note that the people they send here represent the States.

I want the Members in this body, because this is a difficult and complex issue, to understand its complexity; and the best way that I have seen to relate this to Members is to evoke two images in their mind.

The first image is that of Members of this body, huddled in the Capitol Police office, waiting to hear word of what happened from our leaders who were somewhere, and who later that afternoon conveyed to us over the phone what had transpired and what happened and asked that this body not return here to the Capitol, out of concerns for safety. The Members there rejected that overwhelmingly, and came en masse—and in one of the most remarkable and memorable moments in our history—stood on the steps of the House—united. It is a moment I will always cherish and remember, and I want my colleagues to reflect on that, it was an important symbol that we sent out to our people. Immediately standing there, Democrat and Republican, Senate and House, all united.

The other image is this: not too long after that event, we convened in this House, a joint caucus called by the gentleman from Illinois (Speaker HASTERT) and the gentleman from Missouri (Minority Leader GEPHARDT). The issue was different. It dealt with anthrax. There were concerns, purportedly a deal had been agreed to, signed off by the President and the Senate, that because of concerns as they related to safety, that we would close down this Chamber, and people would go home.

It was not met agreeably amongst the caucus. But our leaders appealed to our better angels, and we agreed to go home. The Senate did not. Recall, if you will, how you and your colleagues felt viscerally when the papers reported that the Senate was here, and the House had gone home.

I asked the Committee on Rules to make four amendments in order. The Committee on Rules only made two in order. My two proposed amendments, which were taken prisoner by the committee, would have allowed States to use their regular means of selecting candidates, and would have avoided trampling on 40 years of voting rights laws.

Under this bill, political parties must select candidates within 10 days of the Speaker's declaration, or give up their place on the ballot. So much for the

participatory process of candidate selection.

In my heart, and I thought it was great discussion in front of the Committee on Rules, I agree with what the gentleman from Massachusetts (Mr. MCGOVERN) had to say. He suggested in the Committee on Rules that this issue is of such gravity, and such importance, that it actually transcends the normal committee processes, and that, in a joint committee, much like the one that the gentleman from Illinois (Mr. HASTERT) and the gentleman from Missouri (Mr. GEPHARDT) called, we should discuss this issue amongst ourselves.

These are complex issues that require us to examine them throughly, but I do not believe the underlying bill provides that. Some of the things eloquently addressed by the gentlemen who are proposing the underlying bill, do protect, do promote, and do give great glory to this body and its grand tradition.

Others have spoken equally eloquently on that issue as well, in talking about the need for representative democracy to be promptly installed, while making sure that in fulfilling the mission of having people duly elected, we do not trample on the democratic rights and the processes by not allowing enough time.

I urge a ''no'' vote.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) has 6 minutes remaining. The gentleman from Texas (Mr. FROST) has 14 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, there may be differences on this bill, but the issue I want to raise is one I am pleased to say there are no differences on.

I appreciate this debate and the country appreciates it. I have already raised the matter with the gentleman from Wisconsin (Mr. SENSENBRENNER). I appreciate the way in which he received the fact that the District of Columbia and the four territories are technically not included in this bill because it authorizes the States to hold a special election.

I come to the floor only before the local press and the national press raise it with me. The District of Columbia, of course, is likely to be a preeminent target. The other territories might well be. It might be easier to get to them than to us. I can understand how such an oversight would occur because we do not have the vote on the floor. We all have the vote in committee.

In any case, I know the House would want everybody to be represented in case there was a catastrophe of any kind, and I want to give my thanks once again to the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) for receiving this issue which he has assured me will be corrected.

I thank the gentleman for yielding me the time.

Mr. FROST. Mr. Speaker, I yield 8 minutes to the gentleman from Washington (Mr. BAIRD).

□ 1200

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) not only for yielding me this time, but for his leadership on this issue. I also want to acknowledge the gentleman from California (Mr. COX) for his work, the gentleman from Connecticut (Mr. LARSON), the gentleman from Rhode Island (Mr. LANGEVIN), the gentlewoman from California (Ms. LOFGREN), the gentleman from California (Mr. SHERMAN), and the gentleman from California (Mr. ROHRABACHER), all of whom, I think, have proposed innovative and real solutions to this problem.

It is the night of the State of the Union Address. The President of the United States is here addressing the assembled body of the House and Senate. Behind him sits the Vice President of the United States in his capacity as President of the Senate. The Speaker of the House sits next to him. The Joint Chiefs of Staff are here, the diplomatic corps, and the judges of the Supreme Court.

In midspeech, the television screens and radios across this country go blank. No one knows what has happened. A few moments later, one station reemerges on the air and says, ''Ladies and gentlemen, we have received word that a nuclear weapon has been detonated in our Nation's Capital. It apparently was set off very near the Capitol itself. We have no preliminary word, but it is quite possible that all Members of the House and the Senate and the President and his Cabinet, save one Member, have perished.''

At that moment someone must tell our Nation and must tell the world what happens next. The bill before us answers that question with the words chaos and uncertainty. There are provisions put forward that would give a constitutionally valid mechanism of rapidly reconstituting this body, of assuring the Article I checks and balances that were so important to Mr. Madison, to that individual, Mr. Washington, and to the Constitutional Convention. But, Mr. Speaker, 2½ years after September 11, we have not been allowed to debate those measures that are true solutions before this body.

We have argued here, and we have heard eloquent arguments that elections are important, and let me be clear about something: Not one proposal that requires or provides for a temporary amendment, not one, would eliminate elections. We all share that conviction, all of us do, and it is duplicitous to suggest otherwise.

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

Mr. BAIRD. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. And, Mr. Speaker, I in no way said that people are trying to avoid elections. What I am arguing is, if we do move in the direction of appointments, we create the opportunity for Members of this institution who would serve here by appointment to potentially move in that direction.

Mr. BAIRD. Reclaiming my time, Mr. Speaker, it is my understanding the gentleman from California and the Chair of the Committee on the Judiciary have sent a letter to our colleagues suggesting that people have attempted to ban elections. If the gentleman would wish to retract that, I would welcome that opportunity, because it is false, and the gentleman knows it. I believe it was circulated under the gentleman's signature.

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, I would just say that I have not seen the letter, and I do not believe that we are seeking to ban elections, so I want to make that clear.

Mr. BAIRD. Mr. Speaker, I thank the gentleman for that clarification.

It is absolutely true. Not one proposal seeks to ban elections. What do we seek? Checks and balances. We seek to ensure that the Article I responsibilities of declarations of war, appropriating funds, impeaching a President, and all the other things that this body is tasked for in Article I, not the executive branch, are preserved, and the bill before us today does none of that. Does none of that.

It leaves this country and the world with an unelected person serving in the executive branch and claiming extraordinary unconstitutional powers, and that is perilous for a republic, not simply a democratic republic, but a republic where representatives carry the voice of the people to this Capitol.

Let me tell you what I think is wrong with the bill beyond that. In providing for a 45-day election, let me, first of all, say that many experts in this country have said a 45-day period is insufficient time for a genuine election, and that includes the head of the Elections Board of the State of Wisconsin, who said a minimum of 62 days would be necessary. It includes our own Member of this House, the gentleman from Rhode Island (Mr. LANGEVIN), a former secretary of state, who has conducted elections. It is not enough time.

Furthermore, what happens if a State cannot conduct its election in 45 days? What happens? A nuclear weapon is not only detonated here, but, in a quite plausible scenario, it is detonated also in New York City and in San Francisco, California. Are they to conduct elections in 45 days in those circumstances? Will the Members subsequently elected not be seated? What happens to the structure of this body if a few Members survive, and then more Members come as one election is held? Who is the Speaker of the House?

And by the way, let me clarify something. The Constitution is absolutely

clear that a quorum is not a majority of those chosen, sworn and living, it is a majority of the membership. This notion that three or four people would be enough to have a House of Representatives flies so in the face of what the Framers intended.

The first official act of the first Congress was to adjourn for lack of a quorum. They did not believe for a moment that a handful of people should be present and maybe make decisions to take this country into war, or impeach a President, or levy taxes, or appropriate funds. A majority must be present. What happens until that majority comes back under this rule? Again, chaos and uncertainty.

We have an opportunity to discuss real solutions. A bipartisan, nonpartisan commission made up of scholars and distinguished statesmen, people like Alan Simpson from Wyoming, hardly, hardly a liberal Democrat, hardly a partisan, a true statesman, joined together and said let us look at this issue. To a person, that commission to a person began and said, we do not want to solve this by amending the Constitution. And yet after a year of study and review, to a person they agreed that that is the solution, with great regret, that we must resort to.

And, no, it does not take away your right to elect a Representative, but it preserves your right to have a Representative here when we decide how to respond to that attack. And it says you shall have the opportunity to have an election to replace that person as promptly as possible, through a real election, not a sham, expedited election that disenfranchises independent voters, as the bill does today. To a person these statesmen started with saying we do not want an amendment, and they reached the conclusion that we have to.

Let me close with this. On September 11, on flight 83, those passengers gave their lives to give us a second chance. That fourth plane was heading here with the full intent to kill everybody in this building if it possibly could. We know that our adversaries would seek nuclear weapons. We know nuclear materials are available. We know if they get one, they will set it off, and they will do so in this Capitol. We have been given a second chance.

The September 11 Commission has shown what happened to this country and to the world when advanced warnings were not heeded and action was not taken. Shame on us, eternal shame on us, if we do not take action to protect the Article I responsibilities of this body. Protect the right to elect Representatives, but protect the right to have a Representative and protect the checks and balances and separation of powers that have preserved this great Republic.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, at 9:50 in the morning on September 11, 2001, I was standing in this Chamber waiting to bring up three bills that had come out of the Committee on the Judiciary. At that time the Sergeant at Arms told Speaker HASTERT that another plane had been unaccounted for; that it was heading in the direction of Washington, D.C., and the Speaker promptly ordered the evacuation of the Capitol and told me to run for my life.

Had that plane not left the gate at the Newark, New Jersey, airport, I would not be standing here today, nor would this building be standing here today. I think that gave me pause to think of what would happen to preserve this unique representative government should there be a disaster that wiped out the entire Congress. And the debate today goes basically to the issue of whether the reconstituted House should preserve the tradition that the House of Representatives has always consisted of Members that were first elected by the people, or whether we should have appointed Representatives, appointed by the Governor, appointed by the legislature, or appointed by ourselves before we passed away.

Now, if Armageddon should take place and a disaster should happen, we can have an executive branch that is headed by an appointed Cabinet Secretary under the Presidential succession law. We could have a Senate of 100 Members appointed by the Governor of the respective States. And if we should amend the Constitution to allow the appointment of Members of the House of Representatives, then we would have an appointed House. Is that what the Framers of the Constitution had in mind, an appointed President, an appointed Senate, and an appointed House of Representatives? No way. And the comments of James Madison in the Federalist Papers are right on target.

So the issue today is whether we should amend the Constitution to allow for the appointment of interim Representatives or figure out a way to elect replacement Representatives who would come to Washington, D.C., or wherever the Congress would be meeting, with a mandate from the people at the time of the most severe crisis in the history of this country. And this bill attempts to set up a mechanism so that we can have prompt special elections.

Now, no election is perfectly run. We have sure found that out 4 years ago in the Presidential election. But I am here to tell you that elections, no matter how imperfect they are, are much better than having an appointed House of Representatives where the loyalty would be nowhere but to whomever made the appointment.

Now, I have heard a lot of complaints from my friends on the other side of the aisle that I am stonewalling consideration of a constitutional amendment. That is not true. We had a hearing last year on the constitutional amendment proposed by the gentleman from Washington (Mr. BAIRD). It did not get very much support. But at the first markup of the Committee on the Judiciary that we will have, we will take up his constitutional amendment and send it to the floor. I will vigorously oppose it on the principle that I am opposed to having appointed Members sit in this House of Representatives. But we ought to have a debate on this, and we ought to see who wants to have our replacements be elected or our replacements be appointed should we be wiped out.

Then I hear the complaints that 45 days is too quick to be able to organize a fair election. That is not true. In Virginia, when there is a vacancy in the Virginia General Assembly due to a death or a resignation, there have been special elections that have been held within 12 days after that vacancy occurred, and nobody has complained that the successor Representative was unfairly elected.

During World War II, the British House of Commons, which, like the House of Representatives, has entirely consisted of people who have been elected by the people since 1215 A.D., they were able to have special elections within 42 days after a vacancy occurred. Notwithstanding the point that the Nazis were bombing Britain every night incessantly, they still were able to stand up and preserve the notion that people should come to the House of Commons with a mandate from the people and not be appointed by anybody else.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

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

The chairman of the Committee on the Judiciary has properly framed the debate that we should be having to date as a choice between this bill and the options of having constitutional amendments. What he failed to indicate was that the rule does not make in order that debate, and it is for that reason that I rise in opposition to the rule itself, because this is not an issue about which there is a right or wrong answer. There are a number of different alternative solutions to the problem that present themselves if a number of people are wiped out in this body.

What we ought to be doing is having a serious debate about each one of those options so that each Member of this Congress can make a reasoned evaluation of what way to go. So I think we should defeat the rule, go back to the drawing board, and let us bring all the options to the body for debate.

□ 1215

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I want to express my appreciation to the chairman of the Committee on the Judiciary for indicating he would bring my proposed amendment up; but I would also

like to underscore that my belief is we should not simply bring my amendment up. The gentleman from California (Mr. ROHRABACHER) has a proposed amendment, the gentlewoman from California (Ms. LOFGREN) has a proposed amendment, as do several other Members.

I proposed a rule that would allow for multiple possible amendments to be considered, plus ample time for debate and amendment of those amendments until we move toward two-thirds vote for final passage.

Last night on this floor I met with many Members of this body, and I asked them if they knew enough about this bill today to vote on it in an informed way. The collective answer was, no. Because of that, we should defeat the rule before us today, give this issue adequate time, as the gentleman from North Carolina (Mr. WATT) said, and make sure that all opportunities are discussed.

I am pleased that the chairman of the Committee on the Judiciary wants to address amendments, but I would respectfully ask the gentleman to not just simply consider mine; consider others so various approaches may be debated and this body has a chance to choose the true and best solution.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this rule, but in opposition to the underlying bill, H.R. 2844. This is a very serious issue, and we have heard two sides of the debate. One emphasizes making appointments, and the other emphasizes having expedited elections.

I have a constitutional amendment proposed, H.J. Res. 92, which satisfies both of these objectives and would permit Members when they are being elected by the public to designate a successor in case they are incapacitated or killed during the time they are in office. This would permit the public to vote on someone's successor as well as the person running for office. It seems to me this is the best approach.

The current approach that we are being offered today in H.R. 2844, I do not believe is the best way to go because it would leave the party leaders to nominate who the choices are for the public. In essence, the party hacks are going to control who the public can vote on. Let us give the public a chance to really vote in an ordinary election and oppose H.R. 2844.

Mr. Speaker, I rise in support of this rule, but in opposition to the underlying bill, H.R. 2844.

Continuity of representation in Congress is a very serious matter. On one side of this debate we will hear that we must have temporary replacements as quickly as possible in a national emergency. On the other side, we will hear that to be legitimate, any replacement House Members need to be chosen through the electoral process.

I happen to think both sides are right in their stated principles, and that's why I've introduced a congressional succession constitutional amendment, H.J. Res. 92, which I believe satisfies the core objectives of each side.

Under my proposal, each general election candidate for the House and Senate would be authorized to appoint, in ranked order, 3 to 5 potential temporary successors. For these appointments to be valid, the successful candidate would have to have submitted them in publicly available form at least 60 days prior to the election. In the case of the elected legislator's death or incapacity, the highest ranked person on the list of successors would become the Acting Senator or Representative. Determination of incapacity in my proposal generally follows the precedent of the 25th Amendment, under which the President either declares his own incapacity, or people he has appointed do so.

The legitimacy of a successor designated under H.J. Res. 92 temporarily succeeding a deceased or incapacitated Representative or Senator is similar to that of a Vice President succeeding a deceased or incapacitated President—not separately elected, but chosen by the principal and known well in advance of the election. Primarily to provide the incentive for incumbent and non-incumbent candidates to submit successor lists, state governors would be empowered to appoint temporary replacements only if no such list is submitted, or if no one listed is able to serve.

Continuity of representation, I think we would all agree, means that the death or incapacity of Senators and Representatives should cause as little change in the composition of Congress as possible, which means that replacements should be politically as much like the deceased or incapacitated Member as possible. Who better to determine who fits that bill than the elected official him- or herself?

There is no reason to limit a satisfactory solution to the ''continuity of representation'' problem to a situation horrible enough to kill or incapacitate a quarter or more of the House. Even 50 or 20 Representatives being killed or incapacitated could make a profound change in the direction and control of the House. And the death or incapacity of even one Representative deprives 600,000 U.S. citizens of representation for the several months it typically takes for the vacancy to be filled. Also, the legitimacy of a congressional succession plan is more likely to be accepted in a national emergency if it has previously worked in smaller tragedies.

When State governors use their current power under the 17th Amendment to appoint temporary Senators, they naturally appoint someone who is politically like themselves, even if that appointee is the complete political opposite of the deceased Senator.

We saw this played out most recently in the aftermath of the tragic death of Senator Paul Wellstone (D–MN) when control of the Senate was in the hands of the third-party governor of Minnesota.

Also, during the last Congress there was a constant theme of speculation about the fact that the death in office of the aged and ailing Senator Strom Thurmond (R–SC) would allow the Democratic governor of South Carolina to change party control of the senate for up to 2 years.

There is also clearly a democratic problem with the status quo in the House in which we allow death or incapacity to leave the seat vacant and the district unrepresented for months.

But H.R. 2844 in some ways would actually make the democratic problem worse. Although replacement would be sooner than the status quo, the replacement would be someone whose nomination was decided by party bosses, not by a vote of the people. For all the talk about ensuring that this House of Representatives stays ''the people's house,'' that is just not a democratic way of filling vacancies.

By contrast, H.J. Res. 92 gets an immediate replacement already vetted by the voters, and then allows States to get a regularly elected replacement who is both nominated and elected by the voters. It is obvious to me that H.J. Res. 92 is better for both the continuity of Congress and for democracy than H.R. 2844.

I ask my colleagues to defeat H.R. 2844, and support my congressional succession constitutional amendment, H.J. Res. 92.

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

Mr. Speaker, the matter we are about to consider today, how to keep the House of Representatives functioning in the event of catastrophe, is one of the most serious and important issues we will ever consider.

When I cochaired the Continuity of Congress Working Group in 2002, Members from both parties took a nonpartisan approach to the issue and kept an open mind as to how we could achieve a solution.

How times have changed. The open-minded, nonpartisan spirit we had when we began discussing this issue has completely disappeared. The restrictive rule that the Committee on Rules reported out last night has completely convinced me that this House is now putting partisanship ahead of its institutional duties.

Mr. Speaker, a number of very intelligent people have devoted a lot of time and effort considering this question. I think it is a tragedy that their ideas will not be debated today. That is why I am urging a ''no'' vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that immediately after the House passes H.R. 2844, it will take up the bill of the gentleman from Washington (Mr. BAIRD), H.J. Res. 83, under a comprehensive and thorough debate process that this issue deserves. The Baird bill would amend the Constitution to provide for an emergency procedure to keep the House of Representatives working should a significant majority of this House be killed or incapacitated. I urge a ''no'' vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as evidenced by the remarks, this is a very important issue. I want to remind Members, in my opening remarks I mentioned that there are several things that need to be taken up. One, obviously, is a quick way to try to get the elected representatives back here. The other is the issue of incapacitation, which will be taken up next week in the Committee on Rules, and also the issue of a constitutional amendment of the various types that are floating around. That was confirmed by the chairman. There will be more debate on the issue. This is the first step, however. We ought to pass this rule, pass this bill, and continue our discussion on the other issues.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 602.

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

Mr. FROST. Mr. Speaker, reserving the right to object, and I will not object, but I would like to point out that in the Committee on Rules, and I understand Members want to revise and extend their remarks on the rule and submit all kinds of material, but I would point out when this rule was being considered by the committee, we asked for an additional hour of debate on the bill itself and we were denied that by a rollcall vote. That vote was Committee on Rules record vote No. 247, three ''yeses'' and six ''noes.''

I will not object to Members being able to revise and extend their remarks, but I wish we had provided for additional debate time on this very important piece of legislation. That was a reasonable proposal that was made in the Committee on Rules and was rejected by the other side.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. Speaker, we are going to have more debate on this important issue of continuity in Congress. We will have several more opportunities, and I suspect we will have plenty of time to have that debate. I certainly hope we will.

Mr. LINDER. Mr. Speaker, I rise in support of this rule, and I thank my friend and colleague from the Rules Committee, DOC HASTINGS, for yielding me this time.

H. Res. 602 is a fair, structured rule, which House members on both sides of the aisle should strongly support. It makes in order a total of four amendments, all of them offered by members of the Minority Party. Debating these amendments will allow the House to work its will on some of the key issues raised by H.R. 2844.

I also rise in support of the underlying legislation, H.R. 2844. In his Second Treatise on Government, John Locke wrote ''the first and fundamental positive law of all commonwealths is the establishing of legislative power. Itself is the preservation of the society and of every person in it.''

Today, we examine whether the current mechanisms by which our government is created and maintained sufficiently provides for the continuation of representation in the event of a horrific disaster. Our efforts should answer the question of whether we are, in modern times, prepared to provide a rapid governmental response if and when disaster strikes that very government.

The executive branch has made contingency plans so that in a dire emergency it would be able to continue functioning on behalf of the American people. This is a prudent thing to do. The House in its opening day rules package included significant positive rules changes stemming from the recommendations made by the bipartisan Continuity of Congress Task Force.

Today, with the consideration of H.R. 2844, the U.S. House of Representatives begins to put in place a new system for ensuring the continuity of the Congress in the aftermath of a catastrophic event.

H.R. 2844 provides that, if more than 100 House Members are killed, the Speaker of the House can declare that ''extraordinary circumstances'' exist. Such a declaration would trigger expedited special elections in those districts whose Members have been killed within 45 days. The political parties are given 10 days within which to nominate candidates for these elections.

The important constitutional principle that this bill upholds is the unique nature of the People's House. The government should neither exist nor change but with the express will of the people by whom and for whom it was created. Without an elected House, legislation could be passed by a Federal Government composed entirely of the unelected. We must continue the tradition of the People's House, and H.R. 2844 does so.

With that, Mr. Speaker, I urge support of this important rule.

The material previously referred to by Mr. FROST is as follows:

At the end of the resolution add the following new section:

SEC. 2. On the next legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives. The first reading of the joint resolution shall be dispensed with. All points of order against consideration of the joint resolution are waived. General debate shall be confined to the joint resolution and shall not exceed one hour equally divided and controlled by Representative Baird of Washington and the chairman of the Committee on the Judiciary. After general debate the joint resolution shall be considered for amendment under the five-minute rule in accordance with sections 3 and 4. The joint resolution shall be considered as read. No amendment to the joint resolution, or to the joint resolution as perfected by an amendment in the nature of a substitute finally adopted, shall be in order except as specified in this resolution. Clause 6(g) of rule XVIII shall not apply with respect to a request for a recorded vote on any amendment.

SEC. 3. (a) Before consideration of any other amendment, it shall be in order to consider the amendments in the nature of a substitute specified in subsection (b). Each such amendment may be offered only if the Member has caused the amendment to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII, may be offered only in the order specified, may be offered only by the Member designated or a designee of such Member, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment except as specified in section 4. All points of order against such amendments are waived (except those arising under clause 7 of rule XVI). If more than one amendment in the nature of a substitute specified in subsection (b) is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted in the House and in the Committee of the Whole. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted in the House and in the Committee of the Whole.

(b) The amendments in the nature of a substitute referred to in subsection (a) are as follows:

(1) Any amendment offered by any member (other than any amendment described in paragraph (2), (3), or (4)).

(2) An amendment offered by the ranking minority member of the Committee on the Judiciary.

(3) An amendment offered by the chairman of the Committee on the Judiciary.

(4) An amendment offered by Representative Baird of Washington.

SEC. 4. (a) After disposition of the amendments in the nature of a substitute specified in section 3(b), the Committee of the Whole shall rise. On the fourth legislative day which follows the legislative day on which the Committee rises under this section, immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole for further consideration of the joint resolution. After an additional period of general debate, which shall be confined to the joint resolution and shall not exceed one hour equally divided and controlled by Representative Baird of Washington and the chairman of the Committee on the Judiciary, the provisions of the joint resolution, or the provisions of the joint resolution as perfected by an amendment in the nature of a substitute finally adopted, shall be considered as an original joint resolution for the purpose of further amendment under the five-minute rule, subject to subsection (b). Each such further amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent (except as provided in subsection (c)), shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(b) No further amendment may be offered pursuant to this section except for the following, each of which (other than the amendment described in paragraph (7)) may be offered only if the Member has caused the amendment to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII:

(1) If an amendment in the nature of a substitute to the joint resolution is finally adopted (in accordance with section 3), two amendments offered by the sponsor thereof.

(2) One amendment offered by the chairman of the Committee on the Judiciary.

(3) One amendment offered by the ranking minority member of the Committee on the Judiciary.

(4) Two amendments offered by the majority leader.

(5) Two amendments offered by the minority leader.

(6) Two amendments offered by Representative Baird of Washington.

(7) The amendment referred to in subsection (c).

(c) After disposition of the amendments described in paragraphs (1) through (6) of subsection (b), it shall be in order to consider an amendment offered by the sponsor of the amendment in the nature of a substitute to the joint resolution finally adopted (in accordance with section 3) or his designee, or if no such amendment in the nature of a substitute is so adopted, an amendment offered by Representative Baird of Washington or his designee. All points of order against such amendment are waived (except those arising under clause 7 of rule XVI). The amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 5. If at any time during the consideration of the joint resolution the Committee of the Whole rises and reports that it has come to no resolution on the joint resolution, then on the next legislative day (except as provided in section 4), immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole for further consideration of the joint resolution.

SEC. 6. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution, or the joint resolution as perfected by an amendment in the nature of a substitute finally adopted, to the House with such further amendments as may have been adopted. Any Member may demand a separate vote in the House on any further amendment adopted in the Committee of the Whole to the joint resolution as perfected by an amendment in the nature of a substitute finally adopted. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 7. It shall be in order to take from the Speaker's table H.J. Res. 83, with any Senate amendment thereto, and to consider in the House, without intervention of any point of order (except those arising under clause 7 of rule XVI), a motion offered by the sponsor of the amendment in the nature of a substitute to the joint resolution finally adopted (in accordance with section 3) or his designee, or if no such amendment in the nature of a substitute is so adopted, offered by Representative Baird of Washington or his designee, to dispose of any such Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

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

The SPEAKER pro tempore. 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. FROST. 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.

The vote was taken by electronic device, and there were—yeas 210, nays 198, not voting 25, as follows:

[Roll No. 126]

YEAS—210

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
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
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 (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
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
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
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—198

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
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
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)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
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—25

Carter
Davis, Tom
DeMint
Duncan
Edwards
Forbes
Fossella
Gallegly
Gephardt
Greenwood
Hall
Hastings (FL)
Hinojosa
Hulshof
Hunter
Jackson-Lee (TX)
Lucas (KY)
Millender-McDonald
Miller (FL)
Mollohan
Peterson (PA)
Pombo
Shuster
Tauzin
Toomey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1245

Messrs. ROTHMAN, JOHN, CARSON of Oklahoma, DEUTSCH, CASE, CONYERS, MCNULTY, MARSHALL, and LIPINSKI changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 197, not voting 24, as follows:

[Roll No. 127]

AYES—212

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
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
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
Petri
Pickering
Pitts
Platts
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
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—197

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
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
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)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
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—24

Cannon
Carter
Davis, Tom
DeMint
Duncan
Edwards
Forbes
Gallegly
Gephardt
Greenwood
Hastings (FL)
Hinojosa
Hulshof
Hunter
Jackson-Lee (TX)
Lucas (KY)
Millender-McDonald
Mollohan
Peterson (PA)
Pombo
Shuster
Strickland
Tauzin
Toomey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1254

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 602 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2844.

□ 1254

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes, and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

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

Mr. Chairman, I rise today in strong support of H.R. 2844, the Continuity in Representation Act of 2003. This important legislation furthers the important objective of ensuring that the House of Representatives, the people's House, continues to function effectively during times of national emergency.

Mr. Chairman, it has now been over 2 years since the horrific events of September 11, 2001, a day in which terrorist enemies of the United States murdered thousands of innocent American citizens in cold blood and struck devastating blows against symbols of our country's economic and military power. These lethal attacks served as a very painful reminder of the destructive intent of our terrorist enemies, as well as the increasingly sophisticated and devastating methods by which they carry out their deadly work.

Since that grim day, we have been forced to contemplate the dreadful possibility of a terrorist attack aimed at the heart of our Nation's government here in Washington, D.C., possibly carried out with nuclear, chemical or biological weapons of mass destruction. Such an attack could potentially annihilate substantial portions of our Federal Government and kill or maim hundreds of Members of Congress. This is not a comfortable scenario for any of us to confront, as it forces us to contemplate the possibility of our own demise at the hands of our terrorist enemies.

Nevertheless, if such an attack were ever to occur, the presence of strong

national leadership would be more important than ever. The American people would be desperately seeking reassurance that their government remained intact and capable of acting vigorously in the Nation's defense.

In the aftermath of a catastrophic attack, it would be imperative that a functioning Congress be in place with the ability to operate with legitimacy as soon as possible. How best to ensure the continuity of the House of Representatives in the wake of a terrorist attack is a complex and difficult question that defies a simple solution.

When drafting the Federal Constitution, our Founding Fathers designed the House to be the branch of government closest to the people. They believed the only way this objective could be accomplished was through frequent elections. Consequently, the Constitution, Article I, Section 2, Clause 4, provides that vacancies in the House may be filled only through special elections. As a result, no Member has ever served in this House who was not first elected by the people he or she represents.

Last September, the Committee on House Administration, which I chair, along with our ranking member, the gentleman from Connecticut (Mr. LARSON), and Members from both sides of the aisle, conducted a hearing on H.R. 2844 to allow leading thinkers on the issue of congressional continuity to provide insight on the many different aspects of this important issue. That hearing revealed that the debate on this subject essentially divides into two camps: Those who view a quick reconstitution of the House as the most important consideration, and, thus, support a constitutional amendment allowing for the appointment of temporary replacements to fill vacant House seats; or, the second camp, those who believe retaining the House's elected character is paramount and, therefore, support expedited special elections as the exclusive means for reconstituting the House of Representatives. The second camp I described is what this bill of the gentleman from Wisconsin (Chairman SENSENBRENNER) does.

Though the two sides in this debate disagree on many fundamental issues, both agree that expedited elections should be part of the solution to this complex and difficult question. For this reason the Committee on House Administration marked up and passed out of committee H.R. 2844, which establishes a framework for conducting expedited special elections to fill House vacancies resulting from a catastrophic terrorist attack. The goal of this legislation is to ensure the continuing operation of the House during times of national crisis, while at the same time protecting the character of the House as truly an elected body.

The Continuity in Representation Act requires that expedited special elections be held within 45 days of the Speaker of the House announcing that more than 100 vacancies exist in the House. The political parties authorized by State law to make nominations would then have up to 10 days after the Speaker's announcement to nominate a candidate. However, a State would have to hold an expedited special election if a regularly scheduled general election were to be held within 75 days after the Speaker's announcement, thus basically providing a 30-day extension for such States.

We are under no illusion that holding expedited special elections would be challenge-free for the States. We know that. When we have regular course of order, it is a challenge, as we all know. Even under the best circumstances, conducting an election presents many logistical hurdles. Nevertheless, a number of States already require House vacancies to be filled via the special election within 45 days or less.

In addition, the majority opinion of the Nation's chief election officials, one of whom testified, appears to be that 45 days would provide sufficient time to plan and prepare for an expedited special election. Again, they did not say it would be easy, but they thought it would provide enough time.

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Therefore, I believe H.R. 2844 strikes the proper balance between the demand to fill House vacancies through special elections in as short a time frame as possible and the need for election officials and the voting public to have the time necessary to get ready for the elections to make informed choices.

In conclusion, as Members of Congress we owe a duty to the people whom we represent to contemplate and devise response to worst case scenarios, which we all hope never happens; but we have to again be ready and be able to respond to those scenarios to ensure that no terrorist attack will ever cripple the ability of the people's House to function effectively.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this bill through the process. I also want to thank our ranking member, the gentleman from Connecticut (Mr. LARSON). I thought we had a very good look at the different issues in the Committee on House Administration and a very healthy debate on those issues. And I urge the support of the bill.

Mr. Chairman, also I want to thank our whip, the gentleman from Missouri (Mr. BLUNT), for his work on this issue also.

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

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin also by thanking my distinguished colleague from Ohio. Throughout this debate and discussion, clearly when there was an opportunity where issues were non-germane because of the importance and gravity of this issue, the chairman saw fit to make sure that this discussion was able to flow in our committee.

I further want to thank the Speaker of the House and the gentleman from Missouri (Mr. BLUNT), as well, for their intercessions and understanding of the importance and significance of this issue. And as was mentioned by the gentleman from California (Mr. DREIER), and the gentleman from Wisconsin (Mr. SENSENBRENNER) earlier as well, their willingness to bring a constitutional proposal before their committees, which I think is an important step in this process.

The continuity of Congress, as was pointed out by the distinguished chairman, apparently means different things to different people. But in reality, it comes down to one question: Can the legislative branch be fully functional in the immediate aftermath of a disaster which affects some or all of its Members? Can it ''stand up'' immediately in the wake of a catastrophe? For that kind of thing to take place, I turn to ''Justice,'' or more appropriately Judge Learned Hand, whose name I think is among the great names in history. But more importantly, what Judge Learned Hand said is ''The spirit of liberty is the spirit which is not too sure that it is right.''

As we approach this debate today, and understanding the complexity of the issues involved, as the gentleman from North Carolina (Mr. WATT) said earlier, neither side should be claiming that it is ''right,'' but both sides should be citing the principles that they are adhering to in trying to put them forward in the current context.

In my remarks before the Committee on Rules, I cited a couple of images that are seared in my memory, and I think the minds of most people here—the image of us all united on the steps of the Capitol immediately following the attacks on September 11, together and unified. And then also, not too long afterward, another situation that arose with respect to anthrax that moved the Speaker and then-Minority Leader GEPHARDT to convene a joint caucus. In that joint caucus we also discussed very important issues.

And at that time, because of the safety concerns around this building, our leaders argued that we had to shut down the legislative process, shut down the building for safety reasons, in what was thought to be an agreement with both the President and the other body. Appealing to our better angels, even though the Membership itself did not want to go home, we did, only to read in the papers that while the House was at home, the Senate was doing its duty. We know what the reality of that situation is.

I raise these symbolic images because of the message it sends out to the American people. And as was pointed out by the distinguished gentleman from Ohio, I think it directly points to the differences that we have with regard to this bill. And they are important distinctions.

Earlier debate on the rule highlights the fact that there are really two convergent remedies before us today. Under immediate consideration is a statutory scheme to quickly fill House vacancies in the wake of mass casualties. Like it or not, even these expedited elections, which maintain the elective character of the House, cannot satisfactorily fill the potential power vacuum created in the wake of a catastrophic event, and do not address the issue at all with respect to incapacity.

It is important because, if either the House or the Senate cannot operate, or their actions are subject to questions of legitimacy, our systems of checks and balances fails, and our democracy is in jeopardy. These questions of legitimacy were raised most notably in my research by Estes Kefauver, when he said, having nobly served in this House, that no one enters into this Chamber who has not—as the gentleman from Wisconsin (Mr. SENSENBRENNER) eloquently said—been duly elected by the people. That is a powerful and unique statement to make. But Kefauver went on to say that there is an important concern about the representative nature of this democracy—that while we are, in fact, elected by people, we are sent here by the States. And a catastrophe that could prevent whole States from not being represented for 45 days goes to the heart of my concern about the underlying bill.

So I have some questions that I pose to the House today, for our consideration as we debate this bill.

First, in the wake of a disaster, is the House able to reconstitute itself so that its actions are viewed by the American people as legitimate and representative under the Constitution? And legitimacy here is very important. Unless representatives from nearly all the 50 States are present to debate and deliberate, then the answer is ''No.'' Although, arguably, the House could function under parliamentary rules with as few as three Members, would the action of three Members have the legitimacy that it needs?

We all know and have heard from earlier debate that the Senate could immediately reconstitute itself. And there is a process for succession for the President. The smaller the number of Members, and the fewer the number of States represented, the greater the question of legitimacy.

Unless fully constituted with all 50 States participating, through some form of representation, there is no ''representative'' body for the people of various States, and House actions would lack the legitimacy of national ''majority rule'' under the Constitution.

Second, if immediate legislative authority is necessary to validate and support executive branch functions, and I believe it would be, or to hold them in check, will that legislative authority be there? If not, will the executive branch feel constrained to wait for a reconstituted legislative branch to work its legislative will? In a crisis, will we be governed by the rule of law, or by the will of men?

No one I have ever talked to about this scenario believes that the executive branch will put its functions on ''hold'' while the House is being reconstituted. If there is a national threat, or a natural disaster, the executive branch will respond however it chooses, perhaps extralegally, because of the absence of checks and balances from a functioning legislative branch. In other countries, this type of executive branch action would be called ''martial law.''

Third, is it necessary to squeeze the lifeblood out of our democracy's electoral process in the name of expedited elections? Clearly, that is not the intent of the proponents of this bill—I understand that. But unintended consequences happen in these situations.

Presumably state-chosen representatives, could save temporarily, while awaiting permanent replacements which are the result of legitimate popular elections conducted in the 50 States under their own election processes. This bill Federalizes State election procedures in these circumstances, and its timetable, unfortunately, tramples all over essential elements of our democracy, squeezing out most States' candidate eligibility and the selection procedures, voter registration opportunities and voter choice. It also tramples on 40 years of civil rights and voting rights laws. Is this really necessary?

Mr. Chairman, I will include for the RECORD the following letters and documents.

SECRETARY OF THE STATE,
CONNECTICUT,
Hartford, CT, December 11, 2003

Hon. JOHN B. LARSON,
Longworth HOB,
Washington, DC.

DEAR CONGRESSMAN LARSON: As the Chief Elections Official for the State of Connecticut, I am writing to express my concern over H.R. 2844 currently being debated in Congress that would require states to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

While Connecticut General Statutes under Section 9–215 already allows for a special election for state representatives and state senator in 45 days, a special election for a member of Congress would represent a much larger geographic and electoral population. In Connecticut, for example, a congressional seat can be 50 times the size of a state representative or a state senate district.

A 45 day special election in a Connecticut congressional district would not only be unworkable but runs counter to a fair and democratic process. Specifically, such a short time frame would not give voters the opportunity to make an informed decision about any of the candidates running for office or about the issues being discussed. In addition, a 45 day special election for Congress would not allow the opportunity for a primary. This would essentially force Connecticut back to a closed election process after the General Assembly recently opened up our democratic primary system this past legislative session.

In addition, pursuant to State and Federal law, the State of Connecticut has 45 days to issue overseas ballots. These ballots contain the names of candidates for federal office only and are available 45 days before any election where the names of candidates for federal office appear. Holding a special election for Representative in Congress 45 days after the vacancy would create a timeline too short to comply with the State and Federal laws requiring the availability of the 45 day overseas ballots.

Thank you for your consideration of my comments and I commend you on all of your hard work as you co0ntinue to debate this very important issue in Congress. Please do not hesitate to contact me or my Deputy Secretary of the State, Maria Greenslade, if you have any questions or if I can be of assistance.

Sincerely,

SUSAN BYSIEWICZ.

STATE OF WISCONSIN,
ELECTIONS BOARD,
Madison, WI, September 5, 2003.

Hon. JOHN CORNYN,
U.S. Senator, Chairman, Senate Subcommittee on the Constitution, Civil Rights and Property Rights, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CORNYN: Thank you for the opportunity to comment regarding the proposals pending before the Subcommittee which would require special elections to be held to fill multiple congressional vacancies resulting from the a catastrophic event. I am the chief state election official for Wisconsin. I will endeavor to respond to your inquiries.

Twenty-one days would not be enough time to conduct an expedited special election in a crisis situation. Election preparation requires securing polling places, retaining poll workers, qualifying candidates, preparing ballots, delivering absentee ballots, setting up voting equipment and conducting the election. Candidate qualification requires a notice and filing process that will take at least 6 days, the current minimum under Wisconsin law. Ballot preparation, voting equipment programming and set up would take at least 1 week.

This leaves a week for absentee voting. This would effectively eviscerate the absentee voting privilege. The primary effect would be felt by military and overseas electors.

Twenty-one days would not be enough time to time to ensure the integrity of the democratic process. Candidate qualification would be so abbreviated that candidates would not have the time to meet qualification requirements, even if these requirements were loosened to expedite the process. In a crisis situation the focus of candidates and voters will likely be on the crisis and its daily impact. There would be no time for effectively winnowing the field through a primary, so the winner will likely have a small plurality of the vote.

Twenty-one days would effectively disenfranchise many voters. Overseas and military electors generally need 45 days of ballot transit time. Voters would have very little opportunity to learn about the qualifications of the candidates, the time of voting and location of the polling place. Voters with disability would likely have a more difficult time participating in the proposed timeframe.

Sixty-two days is the minimum time necessary to ensure proper mechanical operation of an expedited special election, consistent with democratic integrity and offering all voters the opportunity a meaningful opportunity to vote.

An expedited special election would likely cost the state of Wisconsin and local government at least $2 million dollars in out of pocket costs for notices, ballots, postage, poll worker salary, voting equipment vendor support and supplies. The cost of state and local election officials salaries and fringe benefits would be increased for overtime and other work would be set aside for the conduct of the expedited special election.

A 21 day schedule for special elections has the potential to undermine public confidence in the election process just when this confidence would be needed most. Na expedited election process needs to be put in place, but it should not be so abbreviated that individuals elected under the process lose credibility.

If you need additional information please contact me.

KEVIN J. KENNEDY,
Executive Director.

AUGUST 22, 1961.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on House Joint Resolution 91, a resolution to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives.

The Constitution, as amended by article XVII, provides that the Senate of the United States ''shall be composed of two Senators from each State, elected by the people thereof . . . When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.''

However, with respect to Representatives, the Constitution provides in article I, section 2: ''The House of Representatives shall be composed of members chosen every second Year by the People of the several States . . .'' Section 2 also provides that ''When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.''

The proposed amendment to the Constitution would provide that whenever the total vacancies in the House of Representatives exceed one-half of the authorized membership, for a period of 60 days thereafter the executive authority of each State shall have the power to make temporary appointments to fill any vacancies in the representation from his State in the House of Representatives. The amendment also provides that such appointee shall serve temporarily until the vacancy has been filled by an election as provided for by article I, section 2, of the Constitution.

While the Constitution has provision for dealing with vacancies in the Senate, other than through the time-consuming election process, there is no such provision with respect to vacancies in the House. The Supreme Court in *United States* v. *Classic* (313 U.S. 299), made it clear that elections are required for Members of the House of Representatives. The need for this amendment, especially during a period of national emergency or disaster, is pointed up by the critical world conditions today, and the ability of some nations, through the use of atomic and hydrogen devices, to wreak mass destruction in target areas.

The committee may wish to consider whether the power to fill vacancies should be operative only when more than one-half of the membership is vacant. It is noteworthy that similar proposals have been considered by past Congresses which provided for vacancies to be filled when the total number exceeded 145, or approximately one-third of the authorized membership.

The Department of Justice does not object to the enactment of this resolution, although it might be desirable to include a provision which would establish a procedure for officially notifying the Governors of the States, perhaps through Presidential proclamation, as to when they are authorized to make such temporary appointments.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

BYRON R. WHITE,
Deputy Attorney General.

STATEMENT OF SENATOR ESTES KEFAUVER

Mr. Chairman, as a former member of this distinguished body where I was also a member of this particular committee, it is a real pleasure and privilege for me to have this opportunity to express to it my opinions on a subject of vital importance of the House of Representatives and the entire Nation.

I know from personal experience that the House of Representatives is properly proud of its historical role as representing the will of the people of the United States. No Member has ever entered this body except by the mandate and popular vote of his constituents. The Founding Fathers were determined that Members of the House should be responsible directly to the people. For this reason, they established a 2-year term of office and provided that vacancies should be filled in all events by special election. However, the framers of the Constitution could not foresee the stark realities of the mid-20th century when weapons of war which can wreak mass destruction almost instantaneously would come into the hands of hostile world powers.

Of course, the Senate, too, has since become a body elected by direct popular vote and although Members of the Senate are not required to submit themselves to the elective process so often, I believe that its Members are also keenly conscious of the fact that they are elected by, and are responsible to, the people.

In order that constitutional representative government may be continued in all events. I believe it is of vital importance to take precautionary steps so that some disaster could not prevent the legislative branch of our Federal Government from continuing to function in a fully representative capacity. As you know, presidential succession is assured by law. Vacancies in the judicial branch can be filled by Executive appointments. When the Constitution was amended to provide for direct election of Senators, provision was also made for temporary appointments by State governors to fill vacancies. Thus, if some nuclear disaster fell upon the Capitol, the executive and judicial branches and the Senate could be speedily reconstituted, but special elections would be required to fill vacancies in the House of Representatives. The delay in such a time could paralyze the functioning of the Federal government.

I do not say that it would necessarily be constitutionally impossible for the House of Representatives to function with but a fraction of its Members. I am informed that present parliamentary precedents indicate that the House can operate with a quorum of its living Members. But any disaster which killed one-half of one-third of the Representatives might well disable or isolate so many others that quorum of the survivors could not be mustered. Also, if this occurred before a new Congress had organized and adopted its rules, a point of order might well be sustained that a quorum consists of a majority of all Members chosen. In any event, it would be important at such a time that the representative character of the House be preserved, and that the delegations of the people of all the States be substantially intact for the urgent legislative action which would be taken. The President should have that degree of support and national unity which only a fully constituted Congress could give him.

For this reason, I have favored for a number of years an amendment to the Constitution which would authorize the Governors of the various States to make temporary appointments to the House of Representatives whenever some disaster substantially reduced its membership. I believe such appointments should be as temporary as conditions will permit and that the appointees should serve only until successors can be elected. However, in normal times, special elections require from 60 to 90 days, and in times of national emergency and disaster it could well be much longer before elections could properly be held.

Former Senator William Knowland of California was one of the earliest to become concerned about the continuity of constitutional representative government in the event of nuclear attack. In September of 1949, it was learned that the Soviet Union had exploded an atomic bomb. In the 81st Congress, Senator Knowland then introduced Senate Joint Resolution 145 on January 18, 1950. It set the number of vacancies which would authorize temporary appointments at one-half of the authorized membership of the House and set forth a detailed provision for a proclamation to inform the State Governors that their appointive power had arisen. In the 82d Congress, Senator Knowland introduced Senate Joint Resolution 59, which reduced the operative number of vacancies to 145 and also contained notification provisions. The Senate hearings held in the 81st and 82d Congresses indicate that it was thought that a majority of the authorized membership of the House was necessary for a quorum, and this may partially explain why Senator Knowland changed the operative number of vacancies from one-half to one-third in his proposal. It was developed in the course of hearings in the 84th Congress that parliamentary precedents required for a quorum only a majority of the Members of the House who are duly chosen, sworn, and living. Neither figure, therefore, has any particular constitutional or parliamentary significance. In my opinion, the operative number of vacancies should be determined by the point at which the representative character and legislative efficiency of the House might become so impaired as to require temporary appointments.

In the 83d Congress, Senator Knowland introduced Senate Joint Resolution 39, which again specified one-third and contained proclamation provisions. This resolution was approved by the Senate by a vote of 70 to 1 on June 4, 1954.

In the 84th Congress, as chairman of the Senate Subcommittee on Constitutional Amendments, I became interested in this subject and introduced Senate Joint Resolution 8, which set the number of vacancies at one-half and did not contain a proclamation provision. I felt then and feel now that the operation of the authority granted by such an amendment should not depend upon the following of some detailed notification procedure. There are many pitfalls in attempting to deal constitutionally with all the unforseeable difficulties which might prevent a specified mode of notification from

being carried out. This resolution was approved by the Senate by a vote of 76 to 3 on May 19, 1955. In the 85th Congress, I introduced Senate Joint Resolution 157 along the same lines. In the 86th Congress, I introduced Senate Joint Resolution 39 and it was approved by the Senate by a vote of 70 to 18 despite the fact that two additional and separate articles of amendment were added to it on the Senate floor.

From this background, I believe it is safe to say that if the House of Representatives approves a constitutional amendment on this subject, the chances are very good that the Senate will also approve it.

Early in this Congress, I introduced Senate Joint Resolution 18, which set the operative number of vacancies at one-half. From discussion in the Subcommittee on Constitutional Amendments, I have concluded that one-third is a more suitable basis than one-half, although any choice is necessarily somewhat arbitrary. In considering the possible effects of the type of disaster which we should guard against, I think it is most likely that any disaster which killed one-third of the membership of the House would incapacitate so many of the survivors that the House would probably be left with substantially less than one-half of its membership available for the transaction of business. A strong argument can be made that the operative number of vacancies should be even less. Indeed, I doubt if the average citizen is conscious of any valid reason why individual vacancies in the House and Senate are treated differently by the Constitution with respect to temporary appointments.

Senator Kenneth B. Keating, also a former Member of the House of Representatives, and I have, therefore, introduced Senate Joint Resolution 123, which specifies one-third. It also authorizes Congress to enforce the article by legislation, leaving the way open to provide statutory procedures for determining when the requisite number of vacancies exist and notifying the State Chief Executives of this fact. Of course, the House will continue to be the constitutional judge of the qualifications of its own Members, in case unforeseen difficulties arise in the exercise of this grant of authority.

I know that the Department of Justice and the Office of Civil and Defense Mobilization are very much in favor of some amendments along these lines, and I understand that representatives of these agencies will appear personally at these hearings. At a time when we are preparing ourselves militarily for the possibility of World War III and we are calling upon our citizens for personal sacrifice to the point of urging construction of personal fallout shelters, I feel very strongly that it is the height of folly to leave a constitutional gap which might prevent the continuation of orderly representative government. The time is now singularly appropriate for approval of an amendment of this sort. It would demonstrate to Mr. Khrushchev that we are preparing governmentally, as well as militarily, if the enemies of freedom chose to precipitate World War III.

Mr. Chairman, I commend you and your committee for going into this subject at this time. I am not wedded to any particular form which the amendment should take, but I believe strongly that some amendment along these lines should be approved promptly by the Congress. I know that you will give this problem full and careful consideration and I am confident that the result will be a solution which serves the interests of all the American people, protects the integrity of this great legislative body, and insures the continuation of democratic government. Thank you for your courtesy and consideration.

(The statement referred to is as follows:)

STATEMENT BY REPRESENTATIVE CHARLES E. CHAMBERLAIN

Mr. Chairman, I wish to thank the committee for this opportunity to appear in support of House Joint Resolution 508. Although I think that the purpose of and the very real need of this constitutional amendment are self-evident and require no elaborate dissertation to prove their validity, I am pleased to present to the committee the reasons which have influenced my thinking and convinced me of its merit. I make no claims with respect to the authorship of this proposal to provide for the effective operation of Congress in the event of a national emergency or disaster, but I wholeheartedly favor it because I have been concerned, for several years, about the future of representative government during a period of hostilities of the devastating proportions that can be expected should the cold war become a hot war.

Mr. Chairman, I think we have all heard talk of the extensive plans to ensure the uninterrupted functioning of the essential agencies of the executive branch in the event of a nuclear attack on Washington . . . and this is, certainly, as it should be. But the question remains as to what would happen to the legislative branch under the same situation. As things now stand, should there be such an attack in which a large segment of the membership of the House of Representatives was lost, Congress would be unable to exercise all its constitutional powers and prerogatives until elections could be held. In the meantime we would have, for all intents and purposes, government by the executive branch. In addition, should Congress not be able to function, the morale of the Nation would be dealt a serious psychological shock which would only accentuate the chaos and confusion that would follow such an attack. Clearly, while we are acting to beef up our defenses, both at home and abroad, and while we are finally beginning to pay more attention to civil defense, this is a most opportune time to focus attention on this problem of how our system of government would function in such an eventually. Clearly, it is a time to anticipate every contingency and to act accordingly.

House Joint Resolution 508 provides for an amendment to article 1, section 2, clause 4, of the Constitution, which reads, ''When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to file such Vacancies.'' The purpose of the amendment is to make it possible for the Governor of each State to fill immediately by appointment any vacancies resulting from an emergency or disaster. This would be effected when the Speaker, or in his stead some other duly empowered officer of the House, had certified to the President that over 145 vacancies existed in the membership, and when the President had then issued a proclamation permitting the Governor of each State affected to appoint new Members within 90 days. All other vacancies after this 90-day period would be filled in accordance with the customary procedures under clause 4 as it now reads.

I believe that is essential that we safeguard our form of government as well as our populations from the disorder and devastation that such an attack would precipitate. Consider if you will the possible effect if the legislative system of the leading Nation of the free world were suddenly paralyzed? In such a circumstance the very essence of representative government . . . so often unjustly attacked as being inefficient and incapable of functioning effectively in times of crisis . . . is challenged. In past years the failure of such institutions to meet the demands of the times has had a marked impact. The inability of representative government in Germany in the 1920's and 1930's to prevent the rise of nazism should indicate to us the need for sustaining strong representative institutions. Our system of government successfully met the Nazi challenge, but today it is threatened the world over by communism . . . which attempts to justify itself under the misleadingly innocent name of democratic centralism, which makes a mockery of true representative principles. Certainly we cannot permit to exist any foreseeable situation where our response to this threat might falter.

In addition, many of the newer nations, whose peoples are not sufficiently prepared to maintain representative institutions, have resorted to various types of authoritarian government for the espoused purpose of preparing the people for democracy. The example we set in this country might well influence, that is, to encourage or discourage, the final adoption of representative government in these new nations. As the leading legislative body of the free world, we cannot afford to overlook any contingency that might possibly reflect upon our constitutional system that has served us so well and brought us to our position of leadership in the free world.

I trust that the committee will not see any partisan feelings motivating my concern in this area out of fear of powers that the present administration would assume in the event of such a national catastrophe. My feelings with respect to this problem have no relationship to the party affiliation of the President of the United States. As I have just said, my concern is more with the reputation and preservation of representative government. But we should also keep in mind that the period in American history since the Second World War has been characterized by the dramatic ascendency of the supremacy of the executive branch in our system of separated powers. And there are many students of politics and history who view this tendency with considerable apprehension. Whatever the validity of this viewpoint, it is irrefutable that we must keep our representative institutions in constant repair, and never fail, tacitly or otherwise to defend them against all dangers, imminent and potential.

Mr. Chairman, those of us whose job it is to make the representative system work, too infrequently take time to consider the longer view and to speculate upon the probable future of our political institutions. Whatever the nature of future developments and the possible impact that such an attack might have on them. I do no believe that there can be any doubt as to the practical wisdom or this proposal. It is my understanding that the Judiciary Committee of the other Chamber is prepared to consider a similar proposal. This is encouraging. However, it seems to me that too much time has already been gambled and that we should act on this proposal immediately. . . particularly in view of the usually time consuming ratification process required. May I suggest to the committee that we never know how late the hour is . . . how close we may be to another Pearl Harbor. Naturally we hope that it will be prevented, but we should always be prepared.

Certainly as we meet our responsibilities of national security we must not overlook the Congress itself and our responsibility to insure the continuance of representative government.

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

Mr. NEY. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. BLUNT), our whip.

Mr. BLUNT. Mr. Chairman, I thank the chairman of the committee, the

gentleman from Ohio (Mr. NEY), for recognizing me and for the hard work that he has done on this bill.

I also want to say sitting here and listening to the gentleman from Ohio (Chairman NEY) and my friend, the gentleman from Connecticut (Mr. LARSON), talk about this bill shows the heartfelt thought that has gone into this.

This is a circumstance that we would all hope and pray that we would never have to exercise, whatever we do today or may do in the future. It is a moment that deserves some time and consideration. As we talk about lofty constitutional principles, I am reminded, though I would have to paraphrase Benjamin Franklin, who, after the Constitutional Convention said that he had had other ideas when he came to Philadelphia. And while he was not totally satisfied with the product yet, he was not sure that he would not sometime come to believe that it was not the best possible thing that could be done and should be done. That is the spirit of the debate we need to have here today.

I certainly appreciate the work the gentleman from Wisconsin (Chairman SENSENBRENNER) has done, the willingness he has to go beyond this and look at constitutional solutions as they are presented. I appreciate our friend, the gentleman from Washington (Mr. BAIRD), and his immediate approach to me back shortly after September 11 on the floor and his immediate concern for this issue.

I am more than happy to see a constitutional debate occur on an amendment at a later time. I do not know that there is an amendment out there that satisfies my concerns. In fact, I personally have become persuaded as I thought about this by the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Ohio (Mr. NEY) and others who have taken a scholarly look at this that the elected character of the House is the unique and vibrant thing about the House. And if it is at all possible to come up with a solution that maintains that character of this as the only body that the only way you can get here is to be elected, we should try to do that. But we can continue to have that discussion.

I would suggest to my good friends on the other side of this debate that even if that happened, the proposal before us today could be seen as an appropriate interim step. Even if we were to find an amendment to the Constitution that would satisfy the broad concerns and the character of the institution, to have that on the floor, to have two-thirds of the Members of both Houses supportive of it, to then go to the States and have the States ratify would take a considerable amount of time.

I hope we have a considerable amount of time before this ever matters. I, in fact, hope that the work we do here today is never tested one way or another. But if we do not have a considerable amount of time to come up with an approach that solves the immediate problem with a solution that is clearly workable and brought to this floor in good faith that would reconstitute the body that would allow us to continue to have that greater discussion, in the interim we have at least taken a step to do what we could to see that the House was reconstituted as soon as possible.

I also hope that our friends will work with us, and the gentleman from Maryland (Mr. HOYER) and I have talked about that, this is the gentleman from Connecticut (Mr. LARSON), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Ohio (Mr. NEY); and I have to look at the rules and see if another interim thing in the rules themselves can be done on the issue of capacity.

It is certainly possible that we would have Members who did not vacate their seats because of death, but were not able to serve for some period of time in the kind of circumstance we are anticipating today. Is there some way, again, either as a short or a final solution, we can deal with that at some point between now and the beginning of the next Congress in terms of the rules?

□ 1315

Mr. Chairman, I am for this bill. I think it is a great step in the right direction. It may be the final step, it may be an interim step, but it is a step that this body needs to take; and I encourage our colleagues to vote for this bill.

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

Mr. NEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise today as a proud cosponsor of this legislation, and I urge my colleagues to support this very, very important bill.

This bill really reflects our willingness, I think, to think about what to do in regards to the United States House of Representatives if the unthinkable were to happen. We need to have a mechanism in place to ensure that our government remains strong, remains stable in the events of a catastrophic attack.

Article I, Section 2 of our Constitution states that when vacancies happen in the representation of any State, the executive authority thereof shall issue writs of election to fill such vacancies. Here the operative phrase is clearly ''elections.'' And so we know that our Founding Fathers intended for any Member of the United States House to only serve after being elected. And this House, the people's House, has fulfilled that intention, and I think this legislation will continue that tradition.

Before coming to Congress, I was very honored to serve as Michigan's secretary of state with the principal responsibility of serving as the chief elections officer. So let me direct a few of my remarks to the actual mechanics of holding an election within the framework of this legislation.

When we first proposed this bill, many of my former colleagues in the elections community expressed reservations over our original mandate for election to be held within 21 days. The bill we consider today has extended that deadline to 45 days. And the individuals who I rely on as expert within this field say that they could conduct an election certainly within that time frame.

In regards to election administration functions such as programming, testing, hiring election workers and preparing polling places, most polling places are relatively stable, so much so that in most States they are actually listed on the voter identification cards.

If tragedy required this legislation to be acted upon, we need to remember that the ballot would only contain names for a single office, which would dramatically ease printing, programming and testing. It should also be noted that since Congress has passed the Help America Vote Act, most States are embracing the election reform such as following the model in Michigan of a statewide computerized voter registration file which is constantly updated by local election clerks, motor vehicle departments as well, thereby allowing an up-to-date, clean file to be printed at any time and provide it to all the polling places.

Also, all of the States are rapidly moving toward a uniform system of voting equipment. Michigan, for example, will soon have all of our 5,300 precincts using optical scan voting equipment, which would allow for the vendor to always have a camera-ready ballot, and then all you have to do is fill in the names of the candidates for Congress and go to print.

These elections obviously would not take place in optimal conditions, but it has been my observation that elections officials will always rise to the occasion to complete the required work, especially in time of a national emergency. This legislation will ensure the integrity of the elections process. And while I recognize that there are various ideas about how we should approach the situation of mass vacancies, it is my personal belief that under no circumstances should we deviate from the direct election of Members of the people's House. Clearly it is incumbent upon us to find a solution to this issue which honors the wishes and the wisdom of our Founding Fathers that no individual will serve in this Chamber without being first elected by the people.

This legislation, under the guidance of the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from California (Mr. DREIER), and the gentleman from Ohio (Mr. NEY) is a remarkable achievement and certainly deserves bipartisan support.

It has often been said that the price of freedom is being ever vigilant. The enemies of freedom will find that America is.

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

Mr. NEY. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me time and for his wonderful leadership on this profoundly important legislation.

I would also commend the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for his work on this bill, and to no lesser extent the gentleman from Washington (Mr. BAIRD), who has, I think, singularly brought this issue to the attention of our colleagues in the days immediately following September 11.

I want to rise in strong support of the Continuity in Representation Act. Thinking of that ancient text that says, Teach us to number our days aright, that we might gain a heart of wisdom. I think it is about that, as the majority whip said, it is about that in that spirit that we gather here today.

I must tell you, Mr. Chairman, this topic is not theoretical to me or my family or to anyone who was here on September 11. I stood on the Capitol lawn that morning and saw the smoke rising from the Pentagon, and scarcely 1 month later I was informed by security officials that the anthrax bacillus was on my desk, exposed to my staff and my family.

While I pray that our Nation and this Congress will never experience any similar events with greater catastrophic effect on this institution, we must prepare for the eventuality. This legislation does that. By ensuring the continuity of this Congress, we will ensure that the people's House will be available to meet the people's needs in their most troubled hour.

The House of Representatives is truly a unique facet of the American Government. It has been called the people's House. In fact, in the Federalist Papers' James Madison said that elections, as this legislation dictates, elections would be ''unquestionably the only policy'' by which the House can have ''intimate sympathy with the people.''

Madison also wrote that ''the definition of the right of suffrage is very justly regarded as a fundamental article of republican government . . . to have it left open for the occasional regulation of the Congress would have been improper.''

Our Founders knew it. This legislation contemplates it. We must preserve the right and the obligation to be elected to serve in the House while we prepare necessarily for that dark day that we hope and pray shall never come.

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

Mr. Chairman, the Committee on the Judiciary favorably reported H.R. 2844, but we actually had a rather narrow jurisdiction on this bill. In fact, our review was limited to the review by the three-judge panel of the announcement by the Speaker that a sufficient number of vacancies existed to trigger the special election requirements of the bill. I think that actually skirts the more fundamental question that faces us as an institution.

As we know, the Constitution, through its 17th Amendment, permits State Governors to appoint Senators to vacant seats, but there is no comparable provision for the prompt replacement of the Members of the House of Representatives. In fact, Article I, Section 2, Clause 4 of the Constitution requires the executive authority of the State in which a vacancy occurs in the House to order a special election to fill the vacancy. And the bill before us accelerates the time in which an election would be held.

The bill itself, I think, does raise some questions. We have concerns about whether the fine history of voter protection would be, in terms of the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizen Absentee Voting Act, the National Voter Registration Act of 1993, the Americans With Disabilities Act, and the Rehabilitation Act of 1973, could be fully adhered to in the time frame outlined in the bill. Further, we worry whether the preclearance requirements outlined in section 5 of the Voting Rights Act could be met in the time frame outlined in the bill before us.

However, there is a more fundamental issue, which is what happens, should this bill become law, in the 45 days between a disaster that eliminates the House of Representatives and the holding of an election. Now, I have heard and I agree with Members who have quoted our Founding Fathers with some affection about the need to have this body be the people's House. It is this body where every one of us who serves walks through this door knowing that we have been elected, selected by the voters of our respective districts. That is unique and important in our system of government. But there is another fundamental and important aspect to our system of government, and that is the necessity of checks and balances.

When we think back to 9/11 and that great tragedy that befell our country, we are well aware that action was required by the Congress in the 45 days that followed that attack on the United States. We needed to implement the War Powers Act. Only Congress can appropriate funds. And if we do not have a House of Representatives, we do not have a Congress; and if we do not have a Congress, whoever is the chief executive, when a disaster of the magnitude that eliminates the House occurs, must of necessity assume dictatorial powers in contradiction of the Constitution. And I think that specter of dictatorial powers contradicting the checks and balances needs to be weighed when we consider replacing the election on a temporary, short-term basis, perhaps even just a few weeks, 45 days, so that we would have a functioning Congress in the event of a disaster.

To do that we need to have a constitutional amendment, and I am hopeful that we will be about soon, the consideration of the constitutional amendments that have been so far introduced. And, frankly, I have authored one of them. I think it is a starting point. There are others. This is a complex issue, and none of the amendments, I think, are quite ready for our approval, but they do command our attention.

I would note that the Continuity of Government Commission, which was a joint project of the American Enterprise Institute and the Brookings Institute, sort of the odd fellows of political institutes, came up with the conclusion that it was a constitutional amendment that was required to address mass vacancies in the Congress. When Jimmy Carter and Gerald Ford, Lloyd Cutler and Alan Simpson, Newt Gingrich and Tom Foley can agree on that, I am hopeful that in the end all of us will reach that same conclusion.

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

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. LOFGREN) will control the time of the gentleman from Michigan (Mr. CONYERS).

There was no objection.

Mr. NEY. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Ohio (Mr. NEY) has 3 minutes remaining. The gentleman from Connecticut (Mr. LARSON) has 11 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10 minutes remaining. The gentlewoman from California (Ms. LOFGREN) has 5 minutes remaining.

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, as a cosponsor I am very pleased to support H.R. 2844, the Continuity in Representation Act.

H.R. 2844 provides a practical and constitutional way to ensure that the House of Representatives can continue to operate in the event that more than 100 Members are killed. H.R. 2844 thus protects the people's right to choose their Representative at a time when such a right may be most important, while ensuring continuity of the legislative branch.

The version of H.R. 2844 before Congress today was drafted with input

from the State election commissioners to make sure it sets realistic goals and will not unduly burden State governments.

Mr. Chairman, there are those who say the power of appointment is necessary in order to preserve checks and balances and prevent an abuse of executive power during a time of crisis. Of course, I agree that is a very important point to carefully guard against and protect our constitutional liberties, and that an overcentralization of power in the executive branch is one of the most serious dangers to our liberties. However, during a time of crisis, it is all the more important to have Representatives accountable to the people.

Otherwise, the citizenry has no check on the inevitable tendency of government to infringe on the people's liberties at such a time.

Supporters of amending the constitution claim that the appointment power will be necessary in the event of an emergency and that the appointed representatives will only be temporary. However, the laws passed by these ''temporary'' representatives will be permanent.

The Framers gave Congress all the tools it needs to address problems of mass vacancies in the House without compromising this institution's primary function as a representative body. In fact, as Hamilton explains in Federalist 59, the ''time, place, and manner'' clause was specifically designed to address the kind of extraordinary circumstances imagined by those who support amending the Constitution. In conclusion, I urge my colleagues to support H.R. 2844, the Continuity in Representation Act, which ensures an elected Congress can continue to operate in the event of an emergency.

Mr. Chairman, I am pleased to support H.R. 2844, the Continuity in Representation Act, introduced by my distinguished colleague, House Judiciary Committee Chairman JAMES SENSENBRENNER. H.R. 2844 provides a practical and Constitutional way to ensure that the House of Representatives can continue to operate in the event that more than 100 members are killed, H.R. 2844 thus protects the people's right to choose their representatives at the time when such a right may be most important, while ensuring continuity of the legislative branch.

Article I Section 2 of the United States Constitution grants state governors the authority to hold special elections to fill vacancies in the House of Representatives. Article I, Section 4 of the Constitution gives Congress the authority to designate the time, place, and manner of such special elections if states should fail to act expeditiously following a national emergency. Alexander Hamilton, who played a major role in the drafting and ratification of the United States Constitution, characterized authority over federal elections as shared between the states and Congress, with neither being able to control the process entirely. H.R. 2844 exercises Congress's power to regulate the time, place, and manner of elections by requiring the holding of special elections within 45 days after the Speaker or acting Speaker declares 100 members of the House have been killed.

I have no doubt that the people of the states are quite competent to hold elections in a timely fashion. After all, it is in each state's interest to ensure it has adequate elected representation in Washington. The version of H.R. 2844 before Congress today was drafted with input from state elections commissioners to make sure it sets realistic goals and will not unduly burden state governments.

I am disappointed that some of my colleagues reject the sensible approach of H.R. 2844 and instead support amending the Constitution to allow appointed members to serve in this body. Allowing appointed members to serve in ''the people's house'' will fundamentally alter the nature of this institution and sever the people's most direct connection with their government.

Even with the direct election of Senators, the fact that members of the House are elected every 2 years while Senators run for statewide office every 6 years means that members of the House of Representatives are still more accountable to the people than members of any other part of the federal government. Appointed members of Congress simply cannot be truly representative. James Madison and Alexander Hamilton eloquently made this point in Federalist 52: ''As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured.''

Mr. Chairman, there are those who say that the power of appointment is necessary in order to preserve checks and balances and thus prevent an abuse of executive power during a time of crisis. Of course, I agree that it is very important to carefully guard our constitutional liberties in times of crisis, and that an over-centralization of power in the executive branch is one of the most serious dangers to that liberty. However, Mr. Chairman, during a time of crisis it is all the more important to have representatives accountable to the people. Otherwise, the citizenry has no check on the inevitable tendency of Government to infringe on the people's liberties at such a time. I would remind my colleagues that the only reason we are considering reexamining provisions of the PATRIOT Act is because of public concerns that this act gives up excessive liberty for a phantom security. Appointed officials would not be as responsive to public concerns.

Supporters of amending the constitution claim that the appointment power will be necessary in the event of an emergency and that the appointed representatives will only be temporary. However, the laws passed by these ''temporary'' representatives will be permanent.

Mr. Chairman, this country has faced the possibility of threats to the continuity of this body several times in our history. Yet no one suggested removing the people's right to vote for members of Congress. For example, the British in the War of 1812 attacked the city of Washington, yet nobody suggested the States could not address the lack of a quorum in the House of Representatives through elections. During the Civil War, the neighboring State of Virginia, where today many Capitol Hill staffers reside and many members stay while Congress is in session, was actively involved in hostilities against the United States Government. Yet, Abraham Lincoln never suggested that non-elected persons serve in the House. Adopting any of the proposals to deny the people the ability to choose their own representatives would let the terrorists know that they can succeed in altering our republican institutions. I hope all my colleagues who are considering rejecting H.R. 2844 in favor of a Constitutional amendment will question the wisdom of handing terrorists a preemptive victory over republican government.

As noted above, the Framers gave Congress all the tools it needs to address problems of mass vacancies in the House without compromising this institution's primary function as a representative body. In fact, as Hamilton explains in Federalist 59, the ''time, place, and manner'' clause was specifically designed to address the kind of extraordinary circumstances imagined by those who support amending the Constitution. In conclusion, I urge my colleagues to support H.R. 2844, the Continuity in Representation Act, which ensures an elected Congress can continue to operate in the event of an emergency. This is what the Drafters of the Constitution intended. Furthermore, passage of H.R. 2844 sends a strong message to terrorists that they cannot alter our republican government.

Mr. LARSON of Connecticut. Mr. Chairman, may I inquire, we have reserved our time, but who will close and in what order?

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) will be first, then the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Connecticut (Mr. LARSON), and then the gentleman from Ohio (Mr. NEY).

Mr. LARSON of Connecticut. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD), who as has been pointed out by several others, has done extraordinary work on behalf of this institution and this body to bring this very important issue before us.

□ 1330

Mr. BAIRD. Mr. Chairman, I thank the gentleman from Connecticut for the time, and I thank my friends on the other side.

Let us start with where we agree. Everyone who has spoken has said that the ideal way to replace Members permanently is through elections. People have suggested that this is somehow a covert way or a slippery slope to do away with elections for Members of the House. It is not true. There will not be a single voice in the record of this discussion that argues that it is true. We all agree on that. Let us ask if we agree on some other things.

Do we agree that article I functions of the Congress should not be usurped by the executive branch? I think we should because we have sworn an oath to that Constitution; but if we do not act to ensure that there is a legislative

branch, what alternative is left but for the executive to usurp those responsibilities, and if they so choose, what vehicle and what body is left to rein them in from that usurpation?

I submitted an amendment to this very bill which was not ruled in order that would have at least had the Congress of the United States on record affirming that the executive, in time of crisis, should not usurp our authority; but it was ruled out of order. I find it frankly astonishing that my friend, the gentleman from Texas (Mr. PAUL), who is such an adamant defender of the Constitution, is apparently willing to abrogate all of our article I until we can have special elections and an unelected executive could run the entire country.

Ask yourselves, would the Framers really have let two or three people constitute a House of Representatives when they themselves adjourned? Would they really have believed that two or three survivors or no survivors should allow an executive to take this Nation into war? Ask your constituents. Go back home. Ask your constituents: If your representatives in Congress are all killed, and a Cabinet member who you never chose and do not know who they are, have no information about their background, emerges one day and says I am now the President of the United States of America, should they have 45 days carte blanche to take this country into war, take away your civil rights and you will have no one here to express your concerns?

This notion that we are going to somehow appoint people who are totally unresponsive to the American people boggles my mind. We have been entrusted with our constituents, with impeachment of Presidents, with taking our country into war, with levying taxes and all the other article I duties; and yet somehow we are not capable of choosing people, former statesmen, former stateswomen who would serve this Nation well in time of crisis. Somehow that escapes our capacity. To create straw men as convenient vehicles for rhetorical argument, that would leave our country without a functioning Congress, is not a service to the people who wrote this Constitution.

There are two portraits of this gentleman in this hall that I revere. First of all, Washington's presence right here because he looks over us and reminds us to take our job seriously; but in the rotunda of this building there is a portrait in which Washington is giving back his commission as Commander in Chief of the Army to a republican form of representative government. He is not saying, I won the war, now I as chief executive want to run the country. He is saying there must be a Congress that runs this country; representatives of the people must run this country.

We agree that you must have special elections, but my friends have not made provisions for what else to do in the interim; and in the time in which there would be elections, they have created a vehicle which is laden with problems.

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

Mr. BAIRD. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

I simply would like to ask my friend, as we have been discussing this issue of a constitutional amendment, the one question that I have is that it is my sense that in this House there is not a two-thirds vote that would, in fact, allow for the process of the constitutional amendment to begin.

Mr. BAIRD. Reclaiming my time, the gentleman cannot filibuster me.

We have waited 2½ years since we watched 3,000 of our fellow citizens die, and this body has not acted. They now give us 2 hours. We have not given this body time to debate. Ask my colleagues, as I did yesterday, have they had sufficient time to study this matter of this magnitude before we vote on it. They will tell you, no, sir, I have not. They will vote party line, as we far too often do here; but they will not vote conscience because their conscience has not grappled with this. I will not yield because this matters, and we have not been given sufficient time.

Give us time for real debate, not in a committee chaired by someone who is antithetically opposed to it. Give us time in this great body because it is our entire future that is at stake, not the future of the Committee on the Judiciary or the Committee on House Administration. It is the future of this body. Give us time; give the people time for real debate.

How can my colleagues say that elected representatives are sacrosanct and then not give those elected representatives time to debate a matter that concerns the very existence of this body? That, if for no other reason, is reason enough to vote ''no'' on this legislation.

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

''The right of suffrage is certainly one of the'' most ''fundamental articles of republican government, and ought not to be regulated by the legislature. A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms.'' That was said by James Madison on August 7, 1787, to the Constitutional Convention; and the very proposal that is offered by opponents of this bill, a constitutional amendment to allow Congress to require that vacant House seats be filled by appointment, even temporarily, was explicitly rejected by the founders as antithetical to republican government.

My committee had a hearing in 2002 on the amendment offered by the gentleman from Washington (Mr. BAIRD). There was not very much support for it; and I imagine that when this House debates the Baird amendment, it will be voted down. It will go far short of the two-thirds necessary to propose a constitutional amendment because there are enough Members of this House that believe that the principle of having an elected House of Representatives is paramount.

I will get my colleague his vote and his debate for him with the cooperation of my friend from California, the chairman of the Committee on Rules, who is the cosponsor of my bill; but what I would like to know is those of my colleagues who criticize the Sensenbrenner-Dreier bill, what is their alternative if the constitutional amendment gets voted down? They have not stated what alternative they have, and that is why this bill is important.

On September 11, 2001, the fourth hijacked plane was headed for this building. If it had not been for the heroic actions of the passengers of United Flight 93 who forced the plane down over Pennsylvania, Congress' ability to function may have been severely disrupted. While the 17th amendment allows Governors immediately to appoint replacement Senators, currently there are no mechanisms to quickly replace House Members. However, we can act today to enact such a mechanism through the legislative process, just as the founders intended. The Continuity of Representation Act of 2004 will, unlike other proposals, preserve the people's constitutional right to elect directly their representatives.

The bill provides for the expedited special election of new Members to fill seats left vacant in extraordinary circumstances, which the bill defines as occurring when the Speaker announces that there are more than 100 vacancies in the representation from the States. Within 10 days after such an announcement, the political parties of the States with House vacancies, as provided by State law, may nominate candidates to run in a special election to be held within 45 days.

While some may argue for the adoption of a constitutional amendment allowing the appointment of replacement House Members if a terrorist attack leaves large numbers of vacancies, such an amendment would destroy the uninterrupted tradition that only Members duly and directly elected by their local constituents should serve in the House, while ignoring the current mechanism for preserving continuity in government, the founders, in their wisdom, included in the Constitution and which is the basis for this bill.

Madison used the strongest terms when stating the House must be composed of only those elected by the people. Madison wrote in the Federalist Papers that direct elections are ''unquestionably the only policy'' by which the House can have ''an intimate sympathy with the people.''

The House, uniquely among all branches and bodies of the entire Federal Government, is rooted in democratic principles, and those principles

must be preserved at all costs. Current Federal law allows the Presidency and the Senate to consist entirely of the unelected. Without an elected House, the entire Federal Government would be run without a single branch reflecting the popular will. Think about it. If we have an appointed House and an appointed Senate and an appointed President, our democracy will end up being run by appointed people. That is not what James Madison and the others who were in that convention envisioned ever happening.

Congress has the clear constitutional authority to enact H.R. 2844 under article I, section 4, of the Constitution, which states that ''the Congress may at any time by law make or alter'' State election laws. Consistent with the right to chosen representation, the founders explicitly considered Congress' power to require expedited special elections the solution to potential discontinuity in government in extraordinary situations. As Alexander Hamilton wrote in the Federalist Papers, the Constitution gives the Congress ''a right to interpose'' its special election rules on the States ''whenever extraordinary circumstances might render that interposition necessary to its safety.'' The Supreme Court has unanimously approved such clear-cut constitutional authority.

While some take a pessimistic view of the resiliency of the electoral process following an attack on the Nation's Capitol, I have a different view.

In England during the Second World War, many members of the House of Commons were killed in battle. Our friends across the Atlantic never devolved to appointed rule, and special elections were held within 42 days after the date of death to fill the vast majority of seats left vacant, even when the Nazis were bombing England during the Blitz. I have no doubt that here today in the United States the boundless spirit of the American people will ensure that democracy prevails in the most pressing conditions. Just as the recovery of the Pentagon and the World Trade Center sites were accomplished far quicker than imagined, I have the greatest confidence in the people of this great country that State and local election authorities would expeditiously work to restore the people's House in time of emergency.

R. Doug Lewis, executive director of the Elections Center, a nonpartisan organization representing the Nation's election officials, has testified that elections administrators from combined responses nationwide feel that they can conduct an election in as few as 45 days. While others assert that it would be too burdensome for special elections to be required within 45 days of a catastrophic attack, 10 States, as the Congressional Budget Office has pointed out, already require special elections within 45 days in normal, nonemergency situations. Vacancies in the Virginia General Assembly during the session have been filled in as few as 12 days after the vacancy has occurred, and no one has complained that those elections were unfair or unrepresentative.

One does not have to look far for examples of the resiliency of the voting process and our State and local election officials' dedication to the cause of democracy. Take, for example, last year's gubernatorial recall election in California that involved 135 candidates and an election that was certified 54 days after the certificate was issued. Voters were also asked to consider two constitutional amendment propositions. The election proceeded smoothly amidst unprecedentedly high voter turnout and 10,000 fewer polling places in the State of California than normal.

While some imagine horrific scenarios regarding catastrophic attacks on the Capitol, more inspiring scenarios can be imagined that resonate more closely with the American spirit. Should such a terrible situation occur, millions of people around the country might fill schools and gymnasiums, churches and meeting halls and freely exercise, in the wake of a vigorous attack by haters of freedom and democracy, their right to directly chosen representation, a right that has served uninterrupted in the history of our country.

□ 1345

Indeed, while some argue that adopting an amendment to the Constitution authorizing appointed Members is necessary in the light of a potential terrorist attack, the very adoption of such an amendment itself would accomplish what no terrorist could ever do, namely striking a fatal blow to what otherwise has been called the people's House. H.R. 2844, on the other hand, is founded on clear, existing constitutional authority that preserves the vital, time-tested constitutional value of directly elected representation that has made this country the most successful experiment in representative government the world has ever known.

The issue here in this debate has been if there is a catastrophe whether this House should stay elected or whether we should amend the Constitution to allow successors to be appointed in some manner or another. It is vitally important that in a time of crisis, whomever enters the doors to the Chambers where the House of Representatives meet enters the door with a mandate from the people, because if an appointed representative enters this door, the mandate would come from whomever appointed them.

Pass the bill. Do the right thing.

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

I think there is broad agreement in this House, more than one might know from listening to the debate, that we all value an elected House of Representatives, but we are talking about a worst-case scenario here.

The chairman mentioned what if we had appointed Senators and appointed House Members and an appointed President. That would surely be a catastrophic event that would yield that situation where no one who was elected was left living to run the American Government. In that case I would argue it would be better to have appointed people rather than a single appointed person to run the government, because the issue really is between dictatorship and a tripartite form of government between the judiciary, the executive, and the legislative branches.

The chairman asks what is our alternative to his bill for expedited elections? And I would ask what is the alternative for the 45 days that leaves a vacancy, a void that the adoption of this bill would provide? I worry that we have not begun the work on this constitutional amendment.

I introduced a constitutional amendment in December of 2001 contemplating a worst case. It may be that that amendment needs additional work. Frankly, I think it does. But that work needs to be in a bipartisan effort in the Committee on the Judiciary and later here on the floor. I would urge we begin that as soon as possible.

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

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

Mr. LARSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), who has also been in the forefront of this issue, and I thank him for his comments.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me this time and for his fine work on this important legislation.

Mr. Chairman, I rise in opposition to this legislation and am disappointed that we are not able to discuss the matter of continuity in the thoughtful, thorough, and nonpartisan manner it deserves. Many of my colleagues, including the gentleman from Washington (Mr. BAIRD), the gentleman from California (Mr. COX), the gentleman from Texas (Mr. FROST), the gentleman from Ohio (Mr. NEY), and the gentleman from Connecticut (Mr. LARSON), have tried to encourage dialogue on this matter, but this bill does not address many of the concerns raised by Members of this House and outside experts during the last 2½ years.

Under H.R. 2844, if the House experienced the deaths of more than 100 Members, the Speaker could direct States to conduct special elections within 45 days. Well, as a former secretary of state, I know how to run elections, and the 45-day time frame in this bill would severely limit election officials' ability to prepare ballots, train poll workers, select polling locations, and inform the voting public about the process. The short time frame would also disenfranchise our military and citizens living abroad, as well as certain elderly and disabled citizens who would not be able to apply for, receive,

and return their absentee ballots by mail. All of these things and many more would clearly undermine the process and the outcome of such a special election.

Now, while 45 days is not enough time to conduct special elections, it is certainly too long for Congress to remain inactive. In the 6 weeks after the attacks of September 11, Congress passed legislation authorizing the use of military force, an airline assistance measure, an economic stimulus bill, the Defense Authorization Act, numerous appropriation bills, the farm bill, and legislation pertaining to bioterrorism, victims assistance, and going after terrorism financing. H.R. 2844 would leave important decisions to a greatly diminished and possibly an unrepresentative House. In the case of widespread incapacitation, the House would be unable to achieve a quorum and become inoperative during a time of crisis.

I am disappointed that H.R. 2844 does not address these important issues and ignores a priority of mine, deciding how Congress could communicate and function if terrorist acts prevented it from meeting in one location. These matters warrant greater discussion than the limited bill before us, and the gentleman from Washington (Mr. BAIRD) has introduced a discharge petition for a full and fair debate on continuity, which I have signed.

Mr. Chairman, I urge my colleagues to vote against H.R. 2844 and to sign the Baird discharge petition.

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

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

There has been a lot of serious discussion here on the floor today, and I think some wonderful things have been said, but a few things that have come to my mind in listening to them. Certainly Madison's wonderful discussion about the elected nature of this body is important to all of us, but also we must recall those words were said at a time when the United States Senate was totally appointed.

Now, of course, the Senate is elected, but not a one of us would argue, I think, that Senator MURKOWSKI is not a real Senator. She is. And just as would the temporary House Members be, if the worst-case disaster came and all the House Members were killed, if we had temporaries until an accelerated election system allowed for replacement by elected people.

I worried on September 11 that if the terrorists really understood our system of government, they would know that the easiest way to turn the American democracy into a dictatorship would be to kill the Members of the House, because that is our weak link in terms of our American democracy. I think if we can provide for the continuity of the legislative branch of government, we will do a wonderful thing for our country, because we will preserve the American democracy, and we will do something else: We will make the legislative branch safer from attack. If terrorists cannot destroy the American democracy by killing the Members of the House, it is a lot more less attractive to kill the Members of the House.

I would like to say something else. We have talked about the dictatorship that would be necessary if Congress could not function. There is another aspect, which is the element of the confidence of the people in the legislative branch. For example, and I mentioned this at the Committee on Rules hearing last night, how would the American people feel if the terrorists went out to the Republican Conference retreat and they killed all the Republican Members, and only the House Democrats were left? Would that feel comfortable for the country as a whole, for a country that is almost evenly divided in terms of party representation? I think not.

What if all the Members on the east coast were killed, and only the west coast Members survived to run the country? Would that really lead to confidence on the part of the American people?

We need to make sure that this branch of government survives on a temporary basis while these accelerated elections can be held. I personally think that the 45 days may be a bit too aggressive. I know my own State of California has suggested a slightly longer time frame to actually hold an election that will work. And I know that there will be an amendment offered to extend the amount of time by a small amount that hopefully might gain some favor from Members on both sides of the aisle. But I do think whatever we do with the accelerated election bill before us today, we will have let down our country if we do not address the constitutional issues required to really save the American democracy from the worst case that the terrorists might throw out.

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

Mr. NEY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. CHABOT).

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

Following the horrific attacks on September 11, it became evident that Congress had to act in case there was a catastrophic event that literally jeopardized the ongoing government. We handled this in many different ways. There was a working group. We held a hearing in my subcommittee, the Subcommittee on the Constitution, should we go the constitutional amendment route or statute. I became convinced the statute was the best way to go to ensure directly elected representatives in this body.

I would urge my colleagues to continue to make this the people's House, where we are all elected by the people, and nobody is appointed by Governors or anybody else.

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

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I appreciate the chairman's yielding me this time.

I support the Continuity In Representation Act of 2004. This legislation preserves the right of the people of the United States to elect their own representatives, even after a deadly attack. One of the cornerstones of our Constitution is the right of the people to govern themselves through elected representation. This right should be upheld and, in fact, continued.

H.R. 2844 provides for the expedited special election of new Members of Congress if more than 100 seats are vacant. This is designed to address a situation in which our country is attacked and significant numbers of Members of Congress are killed.

Mr. Chairman, in the wake of such an attack on our country, Americans need to be assured that their government is legitimate, and citizens need to feel that actions undertaken by Congress at a time of disaster or war are also legitimate. By allowing for the election of Representatives rather than for their appointment, Americans can be reassured that our government is continuing to function in a truly representative fashion.

Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for moving legislation that guarantees our government would survive. It has been over 2 years since September 11. This issue must be addressed today in a democratic fashion.

Mr. LARSON of Connecticut. Mr. Chairman, I yield for the purpose of a unanimous consent request to the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Mr. Chairman, Congressional succession is one of the most timely—yet challenging—issues facing this body. In order to successfully resolve this issue, we must craft a solution that will ensure that the legislative branch of government remains fully functional; while also guaranteeing that the will of the people is constantly reflected. Along the way, of course, we must also guarantee that all of the civil rights laws—currently on the books—remain unaffected.

I initially agreed to serve as an original cosponsor of the legislation before us because I generally believe that we should avoid amending the Constitution, when a statutory response is available. Such an approach is quicker, more likely to be passed into law, and avoids amending our most sacred national charter. While recognizing that this bill is far from perfect, I considered it to be a good first step—something we could build upon in a bipartisan way.

Unfortunately, several serious concerns remain unaddressed. For example, it has been suggested that the 45 day time-frame may be

insufficient to conduct expedited elections, and lead to the disenfranchisement of many of our men and women in the armed services. It also has been brought to my attention that the bill contains several unfunded mandates and is completely silent on the issue of Member disability or incapacity.

However, the aspect of the bill that I am most deeply troubled by relates to its possible impact on our civil rights laws—laws that I have fought long and hard to protect throughout the tenure of my career. Namely, the impact that the legislation would have on the Voting Rights Act of 1965, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act of 1993, the American with Disabilities Act of 1990, and the Rehabilitation Act of 1973—just to name a few.

The expedited timeframe that some seek to establish in this bill could substantially undermine the pre-clearance requirements outlined in Section 5 of the Voting Rights Act. Needless to say, this is an extreme provision of the Act. It remains a bedrock principle of the law.

The current bill before us could also lead to the disenfranchisement of countless handicapped and elderly voters—if due to the expedited timeframe—election authorities are forced to use polling places that are not wheelchair accessible. Or, if individuals with disabilities failed to receive the required 30 day notice with respect to polling place information—as required under the ADA.

To address these obvious deficiencies, Ranking Member LARSON of the House Administration committee submitted an amendment to the Rules committee that would have made clear that nothing within this bill would be construed to affect the application of the numerous civil rights and voting laws I just mentioned. It is worth pointing out that similar language was included in the Help America Vote Act, recently passed by this body. Unfortunately, it was the wisdom of some to object to making that amendment in order.

It was my sincere hope that we could have worked together today on a bipartisan basis to reach agreement on these difficult issues. This should not have been an issue that necessitated a partisan debate.

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

Let me say, Mr. Chairman, how much I have appreciated the debate this afternoon on this important issue. I want to go back, because of the focus of this debate, to comments made by Estes Kefauver. This is not an issue that is new to this Chamber. It has been raised in the past, and I think Kefauver cuts to the core of this issue.

He said, ''I do not say that it would be necessarily impossible for the House of Representatives to function with but a fraction of its Members. I am informed that present parliamentary precedents indicate that the House can operate with a quorum of its living Members. But any disaster which killed one-half or one-third of the Representatives might well disable or isolate so many others that a quorum of survivors could not be mustered.

''Also, if this occurred before a new Congress had organized and adopted its rules, a point of order might well be sustained that a quorum consists of a majority of all Members chosen. In any event, it would be important at such time that the representative character of the House be preserved. And that the delegations of the people of all States be substantially intact for the urgent legislative action which could be taken.''

□ 1400

The representative character of the House is equally as constitutionally compelling as is being duly elected here, because as so often quoted today, the Connecticut Compromise focused on the representation of States, and if a disaster did occur, I cannot imagine a body or this democracy would be able to proceed in a legitimate fashion with the potential of States, many States, not even being represented.

Kefauver went on to say the President should have the degree of support and national unity which only a fully constituted Congress can give him. Think back to those images I talked about earlier and how important it was as a symbol for this country. I think that cuts to the heart of how strongly people feel about this issue.

Mr. Chamberlain of Michigan shared a similar concern. His concern was that this body, its representative nature, without being legitimate, could force us into a situation that would not be reflective of this great institution and this great body.

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

I thank the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for the commission they headed up. But most of all, I want to thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), who cares about the institution and helped with this piece of legislation.

This legislation falls in line with what we have always done in the entire history of our country, which is to elect Members. It is a good bill. Also, let us have some faith in the American people. If a crisis happens, which we hope it does not, the American people are resilient. The American people will continue with their democracy and will exercise the purest form of democracy, which is to vote. I support the bill.

Mr. COLLINS. Mr. Chairman, today, this House passed important legislation that will help ensure elected representation in the House of Representatives in the event that there is a tragic and catastrophic loss of life amongst the membership of this body. It is important that, should such a tragedy occur, that the people's House remain a body of elected officials, and H.R. 2844 would protect this character of the House of Representatives. H.R. 2844 would ensure that, in the event of a national tragedy and an extraordinary loss of life in this House, our government would continue to operate in a timely and effective manner that upholds the rights and ideals afforded to every American in our Constitution.

Had I not had a previous commitment in my home State of Georgia, I would have voted ''no'' on rollcall Vote No. 129, a vote on amendment No. 2 offered by Mr. LARSON of Connecticut to H.R. 2844; and I would have voted ''yea'' on rollcall Vote No. 130, a vote on passage for H.R. 2844, the Continuity in Representation Act of 2004.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the committee on the Judiciary took this bill up in a markup in January of this year, and I expressed my reservations with its provisions as drafted on the Committee record. This bill has major flaws that require the attention of Members of both sides of the aisle. Since one of the pillars of our government is the principle of due process as set forth in the 5th and 14th Amendments to the U.S. Constitution, it is critical that a piece of legislation such as this that deals with the mechanics of electing leaders in emergency situations be crafted with full respect for those principles. The 45-day deadline for State special elections set forth in this bill, as drafted, will not alleviate the fact that States won't have sufficient time to hold primary elections. Furthermore, such a short amount of preparation time could arguably favor candidates who are wealthy or well-backed because only these candidates would have the resources and ability to prepare such a quick election campaign.

Therefore, I have proposed amendments that are geared toward the maintenance of our due process guarantees with respect to the emergency special election process that would be triggered under this Act.

The first potion of this amendment, JACKSO.173, reads as follows:

In section 26(b)(4)(C)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''2 days'' and insert ''7 days.''

This change would amend the section of the bill that deals with the time in which a person(s) may file a lawsuit arising out of the Speaker of the House's announcement of vacancies in the House of Representatives in excess of 100. This change would amend paragraph (4), subparagraph (B)(i) and expand the ability of an aggrieved party to file suit for either declaratory or injunctive relief from just two (2) days to seven (7) days.

Because not every State has a Capital Beltway or even a superhighway system, and because information travels at a different rate in every location, it is important that we establish a fair standard for a filing rule that affects every State in the country. The principle of procedural due process dictates that every citizen be given a realistic opportunity to obtain legal relief through our Judicial Branch.

The second portion of this proposal speaks even more to the issue of due process for all citizens. Its test reads as follows:

In section 26(b)(4)(C)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''the action'' the following: ''(taking into account an opportunity for an expedited appeal of the initial decision).''

Because the 45-day deadline for special State elections already places significant constraints on the electoral process and on the citizens represented due to its brevity, taking away the right to an appeal from the U.S. District Court would excessively curtail the procedural due process rights enjoyed by citizens. Given that the time in which a Federal judge has to compose an order disposing of these matters is provided in this bill, an equally expeditious appeals process should be provided

so as to maintain consistency with the U.S. Constitution and the commitment to both the 5th and 14th Amendments.

Thirdly, the amendment reads as follows:

In section 26(b)(4)(C)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''vacant'' the following: ''any citizen of the district and any political party of the State.''

This proposal is very important to protect the interests of all citizens in the various congressional districts in the midst of party politics. As the bill is drafted, Section 2, paragraph (4), subparagraph (iv) would confer the right to sue in the event of a vacancy announcement by the Speaker of the House solely to the ''executive authority,'' in Houston's case, the Governor. Such very limited language almost certainly threatens to deprive the citizens of a right that they should enjoy in the event that the Governor chooses not to participate in a suit for declaratory or injunctive relief pursuant to a vacancy announcement made by the Speaker of the House. In order to protect the rights of every person who truly has an interest in a call for a special election under this Act, this provision must be amended to allow citizens and political party representatives to sue for relief.

As legislators charged with the duty to uphold the U.S. Constitution, the principles of democracy call for an expansion of the rights of citizens rather than a diminution. H.R. 2844, as drafted, totally leaves the citizens and constituents out of the democratic process. Our colleagues on the other side of the aisle have fervently argued that this bill gives the people their constitutional right to participate in the electoral process. However, the truth of the matter is that our colleagues' arguments are misguided and serve to avert the ''meat and potatoes'' of the bill. Key to the operant provisions of H.R. 2844 is the ability to file suit with respect to the announcement of a vacancy or vacancies in the House to the extent that no quorum exists in addition to the provision of time in which to file such an action. As drafted, the bill not only provides an unrealistic period in which to file an action and it gives standing to do so exclusively to the Governor of a State. This is not democratic. This is not truly representative. Because this legislation fails to do what it purports to do, I cannot support it.

I urge my colleagues to join me in opposing H.R. 2844.

Mr. UDALL of Colorado. Mr. Chairman, I have concerns and reservations about this bill—but I will vote for it.

I will vote for it because I think we need to recognize and respond to the risk that a terrorist attack or some similar event might kill or disable enough of our colleagues that it would be impossible for the House of Representatives to play its vital role in our constitutional government. And this bill does take a first step in addressing this problem.

However, I think it would have been better for the House to have had more time to fully debate the measure, and that it should have been taken up under a less-restrictive procedure that would have allowed consideration of more amendments.

Elections are central to our political system. They are essential to assure that our government is based on the will and the preferences of the American people. But the conduct of elections can be as difficult as it is important—ask any State official with responsibility in this area. So, we need to proceed carefully and thoughtfully when we legislate on this subject—more carefully and with more opportunity for considering revisions than was permitted under the procedures established by the Republican leadership for today's debate.

As that debate made clear, some of our colleagues—including some for whom I have the highest respect—think it would be better to go further than this bill, or any simple statutory change, can go. They would prefer to address the problem through a constitutional amendment.

While I am very reluctant to consider changing the Constitution, I do think that on this subject, the possibility of a constitutional amendment should not be ruled out. However, in the meantime I think we need to do what can be done short of such a fundamental change. That is what this bill does, and that is why I will vote for it.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the legislation before us today. The loss of a large number of Members of the House of Representatives is an important institutional issue to which we should devote a substantial amount of consideration. This issue deserves an open rule to allow every Member time to express his or her opinion and offer their ideas. It is outrageous that we are only being offered one choice to decide how the entire House of Representatives will be governed in a time of national crisis. Should tragedy strike the House, this legislation could give unprecedented power to the executive branch or a few Members of Congress who were elected by just a small sliver of the country. We have not had adequate time to review this legislation, nor have we been allowed to bring sufficient amendments to the floor for debate. Once again, we are considering legislation without ample debate time and without alternatives. I oppose this bill and encourage my colleagues to do the same.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of today, the amendment in the nature of a substitute recommended by the Committee on the Judiciary printed in the bill shall be considered as an original bill for the purpose of amendment and, pursuant to the rule, shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2844

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 ''Continuity in Representation Act of 2004''.

SEC. 2. REQUIRING SPECIAL ELECTIONS TO BE HELD TO FILL VACANCIES IN HOUSE IN EXTRAORDINARY CIRCUMSTANCES.

Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking ''The time'' and inserting ''(a) IN GENERAL.—Except as provided in subsection (b), the time''; and

(2) by adding at the end the following new subsection:

''(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

''(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

''(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 45 days after the Speaker of the House of Representatives announces that the vacancy exists, unless a regularly scheduled general election for the office involved is to be held at any time during the 75-day period which begins on the date of the announcement of the vacancy.

''(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, not later than 10 days after the Speaker announces that the vacancy exists, the political parties of the State that are authorized to nominate candidates by State law may each nominate one candidate to run in the election.

''(4) EXTRAORDINARY CIRCUMSTANCES.—

''(A) IN GENERAL.—In this subsection, 'extraordinary circumstances' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

''(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

''(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

''(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

''(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

''(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

''(5) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS FOR ABSENT MILITARY AND OVERSEAS VOTERS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.''.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except the amendments printed in part B of the report and the amendment designated in the previous order of the House. Each amendment may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and opponent of the amendment, shall not be subject to amendment and shall not be

subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part B of House Report 108–466.

AMENDMENT NO. 1 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LARSON of Connecticut:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''45 days'' and insert ''75 days''.

The CHAIRMAN. Pursuant to House Resolution 602, the gentleman from Connecticut (Mr. LARSON) and the gentleman from Ohio (Mr. NEY) each will control 10 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the two amendments I have been restricted to offering today during this truncated debate will attempt to restore to the bill some of the elements which the American people associate with true democracy and legitimate elections, elections which allow the public to make a reasoned choice from among candidates who have had a fair chance to present themselves and to conduct campaigns, and elections which allow the American people to feel secure that their officials are representative of the diversity of their views.

That is, after all, the essence of our democracy. That is what this arbitrarily crafted legislation would strip away from all of us at a time when the stability of our political system will be under more stress than at any point since the Civil War.

One basic element of elections is the time required by our political system to conduct them. Supporters of expedited special elections, or in the case of this bill would be better called ''rushed'' special elections, would no doubt say that time is of the essence in replacing deceased Members of the House, and I agree. But the essence of democracy is choice, and the practices to facilitate that choice.

Meaningful democratic elections provide time for candidates to choose to run, time for political parties to choose among them through primaries and other methods, time for minor parties and independent candidates to qualify for the ballot, time for voters to register to vote, time to secure polling places, time to train poll workers, print ballots and mail out and receive back absentee ballots.

My first amendment today addresses the bill's short overall time frame. It would increase the maximum time allowed to conduct special elections to 75 days, up from 45 days. There is nothing in this amendment which prevents any State from holding expedited special elections in a shorter time should they wish to do so and should they be capable of doing so. H.R. 2844, as introduced, contained a 21-day deadline for the conduct of special elections, which could not possibly have worked, but which demonstrated, in my view, the urgency to ''stand up'' a democracy that has been debated previously on the bill.

The amended version approved by the Committee on House Administration at the behest of the gentleman from Wisconsin (Mr. SENSENBRENNER) specified 45 days. This number is, I believe, too low, although a number of State laws provide for special elections within such a time frame. But most States, including my own State of Connecticut, as well as the State of Wisconsin, do not.

Conducting elections is difficult. It is time-consuming work, and it must be done correctly or the rights of the people will be violated, and the legitimacy of election winners will be questioned.

This amendment would alleviate a number of serious problems in the bill, better maintain the stability of our political process, and enhance the role of States in making decisions about the process they value most in conducting truncated special elections.

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

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY), our distinguished majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman and both chairmen for bringing this important piece of legislation to the floor. I rise in opposition to the amendment. It seems 75 days may be necessary to run a special election, but our experience in Texas is we can run a special election in less than 30 days. Ours is 36 days. I guarantee Members, when people get fired up to do an election, they can do it quite quickly, particularly with everybody interested in winning that election. I think 75 days is way too long to allow this body to sit and wait for something to happen.

I want to talk now about something even more fundamental. I carry the Constitution around with me in my pocket in order to constantly remind myself when I get dressed in the morning there still is a Constitution in this country. I know some, particularly those on the other side of the aisle, call this a living document, it does not mean a whole lot, and they are willing to change it and not even consider the unintended consequences or consider why the genius of our Founding Fathers understood what it took to build a democracy and what it took to maintain a democracy.

That is why we have checks and balances. That is why we do not place all of the power into one person or even one branch. It is vitally important for this body to be elected, and there is a reason for that. The reason is this is the people's House. We have to be elected in order to reflect the will of the people at the moment.

The other body is set up in our Constitution to slow us down, but we are set up to reflect the will of the people at the moment. We cannot do that if we put all of the power, particularly after a catastrophe, in the hands of one or two people to make the appointments. The appointees, the people who would come here to serve, would have no allegiance to the American people. They would not care about what the American people did because they were not elected by the American people. They were appointed by some big power broker back in their State or in their district, or even in their local counties. That is not the way to continue this democracy.

We cannot have a democracy if we have a body sitting here in judgment of what is good for this country by appointed people. I heard a Member from the other side of the aisle earlier say, well, we changed the Constitution in 1913, and we now elect Senators. I am willing to have a debate that electing Senators by popular vote has had a very real negative impact on this country.

I am prepared to say why in the world would anybody want to take away the will of the people to have their own House, the United States House of Representatives, by election and not by some power-broker-type appointment.

I am opposed to those who have suggested that we ought to appoint our successors. That is the worst thing we could do is for us to announce, once we get elected, who is going to succeed us. That would create all kinds of havoc. Who is the leader in the congressional district, the elected Member of Congress or the heir-apparent appointed by that Member of Congress?

It is important in order for the continuity of this government and the continuity of freedom in this country to understand the genius of our Founding Fathers and the genius that put it together and not change it and not change the way this country works. We have to pass this bill. We have to elect this House. This is the people's House.

Mr. LARSON of Connecticut. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I would like to ask the distinguished gentleman from Texas (Mr. DELAY), as the majority leader of this body, if the other party were in power and this body were eliminated, would the gentleman be perfectly comfortable, under his constitutional fealty, in letting the executive branch rule this country, take this country into war, and do all of the other things reserved under that Constitution with no checks and balances?

Again, it is a false straw man to say that anybody here wants to do away with elections. The issue is do we do

away with the entire Congress temporarily until we can hold elections? We need those checks and balances. And they are not the only ones standing up for this Constitution who are opposing the alternatives of temporary appointments. We, too, are standing up for it. We are standing up for checks and balances, separation of powers, and all of the Article I provisions that are ensured in the Constitution.

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, the amendment that is offered by the gentleman from Connecticut (Mr. LARSON) cuts directly against every argument he has made up to now.

What the gentleman's amendment does is delay for another 30 days the right of the people to elect their own replacement Representatives. We either can reconstitute the House quickly or reconstitute the House slowly, and this amendment makes it happen slower.

The gentleman also brings up the issue that in Wisconsin we need 62 days. We have primary elections and special elections in Wisconsin. This bill says there should be no primary elections, and that cuts it down to 34 days. So Wisconsin runs a primary election 34 days after the vacancy occurs. We would have no problem replacing me or any of my colleagues from Wisconsin within the 45-day period of time.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Throughout history States have often been the engines of political diversity and experimentation. The reason I chose the 75-day time frame was to allow more of those elements to be sustained. The 45-day time frame is far shorter than the special election time frames in a majority of States. The Commission on the Continuity of Government, the Brookings Institution and the American Enterprise Institute, estimate that the average length of vacancies over the last nine Congresses has been more than 120 days. A 75-day time frame thus provides a process significantly faster than the norm in many instances, while avoiding some of the more jarring effects of the bill's far more drastic limitation.

□ 1415

That was the rationale in crafting this legislation. That was the rationale where others have suggested 60, or even 90, days. I felt 75 days guaranteed the cherished rights that we all seek to protect under any proposal. The 75-day proposal, I will admit, is arbitrary, like the 21-day, or the 45-day period selected previously by the sponsors, but the entire bill is constructed around arbitrary numbers which we are only permitted to amend in a limited way.

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

Mr. LARSON of Connecticut. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

Let me state that there is absolutely nothing whatsoever that is arbitrary about the 45-day period. The State of New York has a maximum of 40 days, and we know that it has worked very well in the State of New York. And I think it is also important to note that there are three former Secretaries of State, I know at least on our side of the aisle, who serve here; and we fashioned this legislation in consultation with Secretaries of State in seeking the amount of time that would, in fact, address the concern that the gentleman from Washington (Mr. BAIRD) has raised that we as quickly as possible make sure that this institution is reconstituted. So I think it is important just to note that we have not been arbitrary in the selection of this 45 days. A lot of research went into this.

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, there is no doubt in my mind of the great effort and the intellect and the able people that they have put behind this. The CBO reports that more than 40 States are going to have a problem with this mandate, and will be forced to go well beyond their means. In hearing from my own State of Connecticut—from my Secretary of State—about all the underlying concerns that are raised, especially as it relates to voting rights acts, she said she would not feel comfortable unless there was a 60-day period.

Can it be accomplished in 45 days? Perhaps. But as I indicated earlier, as Judge Learned Hand said, this is a question that leaves us ''not too sure that we are right,'' and with all due respect, I would rather err on the side of making sure that people were guaranteed those rights.

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

Mr. LARSON of Connecticut. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I briefly mentioned during the debate on the rule what happened out in California. We know that each congressional district has about 650,000, fewer than 650,000 people. We might have two or three candidates in those races. In California, we had 125 candidates and we had a total of 55 days; and the prediction of doom, I was frankly suspicious about the prospect of seeing us put together in a 55-day period with 35 million Californians this special election when in fact we found that we were able to do it in that period of time for a State of 35 million people. I think in the congressional districts that are a fraction of that size, 45 days is a reasonable period.

I thank my friend for yielding.

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, I just wanted to close by saying that this has been an extraordinary afternoon, and I deeply appreciate the hard work and effort that has gone into this proposal on all sides. I simply disagree in principle with terms of the bill itself, notwithstanding my own position on the need for a constitutional amendment; but I do not think the bill before us gets the job done, and I think it imperils the very democratic processes that we all cherish so much, that allows a person to walk in here as a duly elected representative of his constituents.

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

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

I just want to weigh in with a couple of comments. I think probably enough has been said about this issue, but I wanted to dovetail on some of the comments made by the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, who put a lot of time and effort and testified at the Committee on House Administration on this issue.

An election conducted within the 45-day time frame, I would be the first to admit, and I said it earlier, would undoubtedly present challenges and would present some difficulties for State and local election officials more so than would an election conducted under certain normal circumstances; and in a perfect world we would like to provide as much time as necessary for election officials to prepare for an election and the electorate to make informed choices about candidates. Election officials all over this country on both side of the aisle work very hard. I think all of us have viewed on election day the activities of these officials. They are hard workers, and I believe that under a crisis situation they will step up, they will perform, but again, I state, in a crisis situation.

In the unique situation where large numbers of House Members have been killed in a terrorist attack, the desire for extensive election preparation time has to be weighed, has to be weighed against the urgent need to fill House vacancies with elected Members as quickly as is reasonable under the circumstances.

Doug Lewis, executive director of the Election Center, a national nonprofit organization serving the elections and voter registration profession, testified before the Committee on House Administration last year that the majority of our country's chief election officials believe that 45 days would provide sufficient time to plan and prepare for an expedited special election. And I believe that Doug Lewis had done a polling throughout his organization, and I should tell the Members that Doug Lewis and his organization have credibility. They are on the forefront of the Help America Vote Act, and they work and represent the people who are right in the trenches that deal with this every single election period. At present there are 10 States, including Minnesota, Texas, New York, and Georgia that require the filling of House vacancies within 45 days. Thus I believe if they can do it, we can do it nationally; and I believe 45 days is a reasonable

time frame for conducting a fair, open, and meaningful election.

So for these reasons, Mr. Chairman, I would oppose this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

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

Mr. LARSON of Connecticut. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 2 printed in part B of House Report 108–466.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LARSON of Connecticut:

Amend paragraph (3) of section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, to read as follows:

''(3) ELIGIBILITY OF CANDIDATES.—

''(A) IN GENERAL.—A candidate shall be eligible to run in a special election held in a State under this subsection if the candidate meets such requirements as may apply under State law.

''(B) EXTENSION OF DEADLINE FOR ELECTION.—A State may extend the deadline provided under paragraph (2) for a special election to the extent the State considers necessary to prepare balloting materials and distribute absentee ballots which include the names of all eligible candidates, and to otherwise ensure that all eligible candidates are given sufficient time to prepare for and participate in the election.''.

The CHAIRMAN. Pursuant to House Resolution 602, the gentleman from Connecticut (Mr. LARSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would restore democratic protections to candidates who wish to run in expedited special elections under H.R. 2844, and would enhance the voters' electoral choices, which the bill, I believe, needlessly seeks to limit. It would also give to the States, who are our first responders in elections, greater flexibility to respond to problems raised by a potential catastrophe or terrorist attack.

The amendment accomplishes several major improvements in the bill. First, it would eliminate the bill's perhaps most outrageous defect, the ban on primary elections in the great number of States which use them in special elections. The bill does this indirectly by requiring political parties in the States to select their nominees within 10 days of the Speaker's announcement of vacancies. The amendment strikes out that provision while adding entirely different language enhancing candidate eligibility, voters' electoral choices, and State flexibility in election administration.

The use of primaries was one of the great reforms in American politics which distinguishes us from many forms of parliamentary government. There is no way States could conduct primaries under the 10-day restriction. Indeed, this deadline provides barely enough time for prospective candidates to assess whether they even want to run.

In place of primaries, the bill would require political party committees of some sort to select a nominee, which is a legitimate mechanism already in use in some States for special elections; but even in those States, 10 days is a very short time. And of course many States do not allow selection of candidates by party committees because they consider it undemocratic, and require the selection of candidates by popular vote.

The gentleman from Wisconsin (Mr. SENSENBRENNER), in answering a question that I posed at the Committee on House Administration markup of this bill, when I was seeking clarity about some of the provisions his bill—what the bill would actually do—was crystal clear on one issue in this bill. He would penalize political parties in those States which could not meet the 10-day deadline by requiring that their party lines to be left blank on the ballot. He writes to the committee that H.R. 2844 clearly provides that political parties may, not must, nominate candidates within the 10-days allowed in any manner they see fit. If they do not, or cannot nominate a candidate within the time allowed, such parties will not appear on the ballot.

Selection of nominees, of course, is the ultimate political process, but it is more often known for controversy, deal-making, and intrigue, rather than speed and efficiency. That is why we have the expression ''the smoke-filled room.''

Imagine the nightmare if this bill became law, and the political parties in your district were unable to field any candidate because they could not convene under potentially adverse circumstances due to a national crisis, or if a party committee did not meet, but could not reach agreement on a nominee because there was strong competition among well-qualified candidates. How could there then be an election? Whom would the voters choose from the blank page?

I remind the Members that this bill's stated purpose is to expedite special elections, and to reconstitute the House of Representatives. Having elections without candidates would certainly accomplish the first goal, but would obviously fail miserably in the second. Not only could the bill leave the voters without any candidates to choose from, but it could have other irrational effects as well.

For example, even in a State like Minnesota, which in 1977 held both a special primary and a special election for a House seat in only 29 days, H.R. 2844 would require the abandonment of the primary system even though such a State might, under normal conditions, be able to comply with the overall 45-day deadline of the bill. The State managed to hold its primary in this case in 15 days, but could it do it in 10 days—the time limit for candidate selection in H.R. 2844? Why should the bill penalize those States, which could achieve their electoral results following regular order, by forcing them to change their basic political practices, and suddenly start choosing candidates through party committees?

Mr. Chairman, the 10-day provision of this bill, and its potentially disastrous side effects, constitutes reason enough for the adoption of my amendment.

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

Mr. NEY. Mr. Chairman, I claim time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I share the gentleman from Connecticut's (Mr. LARSON) concern that an expedited special election should be open to as many eligible candidates as possible. However, this amendment, although I do not believe intended, would indirectly undermine the very core of H.R. 2844, which is the establishment of a time frame for conducting expedited special elections that promptly fill House vacancies while still providing the necessary time for election preparation.

This amendment would permit each State to determine how much or how little time it needs to conduct a special election, thereby rendering meaningless H.R. 2844's 45-day time frame for conducting those elections. The framework for expedited special elections that is set forth in H.R. 2844 represents a balanced approach, taking into consideration both the need for an accelerated reconstitution of the House and also the need for adequate election preparation time. This amendment would knock that framework out of balance and would in all likelihood unnecessarily prolong the period that many American people would be without representation in the House of Representatives in the aftermath of a catastrophic attack.

I do say I appreciate the commitment to the States rights that my friends are showing on the other side of the aisle, demonstrated by their support of this amendment. I hope that commitment will continue to be reflected in future votes on other election-related matters, on all issues, for that matter.

However, I think we could agree that if there was ever a time when Federal preemption of State laws was appropriate, it would be in the aftermath of

an attack that has killed over 100 of us as Members of the House. We have an obligation to take action to make sure that in those circumstances this House is reconstituted with elected Members as quickly as possible. That is a Federal responsibility, not one that should be left to the States to decide. I cannot think of a more appropriate or more necessary time to exercise our article I, section 4 powers to regulate the time, place, and manner of elections.

□ 1430

Therefore, I would oppose this amendment.

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

Mr. LARSON of Connecticut. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, earlier I asked this body to consider two questions: How would the Framers feel about the House of Representatives constituted by a few Members or no House of Representatives at all, and how would their constituents react if they had no voice as the country were taken into war by an unelected Cabinet member?

Let me ask this question: The distinguished majority leader proudly held the Constitution of the United States up and presented to us that he was defending the Constitution with this legislation. Where, my good friends, in that sacred Constitution does it say that the political parties will be authorized to select the candidates who can be elected for the House of Representatives? If we are defending the Constitution, how in the name of the Framers can we say that political parties will select the candidates for office? And if we are saying that we are protecting the rights of our voters, how can we do so when we disenfranchise all independent voters from selecting their candidate of choice, and instead put that decision into the political elites, the very people who you assert you are protecting the voters from with your base bill?

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Chairman SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, this is another amendment to gut the bill. All you need to do is look at the last three lines of the amendment that says ''or otherwise ensure that all eligible candidates are given sufficient time to prepare for and participate in the election.''

A State could decide to postpone the election indefinitely because they decided that all the candidates needed to have 30 face-to-face debates, and that would fall into the catch-all clause. We need to have a specified time frame to reconstitute the House with elected Members, and that is why we have the time frame put down here.

I am very interested in listening to the argument of the gentleman from Washington that completely misses the point. His side won a special election in Kentucky. I congratulate the gentleman from Kentucky (Mr. CHANDLER) for his victory. He did not win a primary election. He was not nominated by a Democratic Party convention and his opponent in the election was nominated by a Republican Party convention.

The election of the gentleman from Kentucky (Mr. CHANDLER) to the House to promptly fill the vacancy caused by the election of Ernie Fletcher, his predecessor, as Governor of Kentucky is no less democratic than the election of those of us that went through primaries.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is easy to conceive of the circumstances in which companies that print ballots or manufacture voting machines or paper or computer equipment could be disrupted by the same catastrophic events which are triggering the special elections. The Nation's communications and commerce could be disrupted. My amendment gives the States the flexibility to respond.

Mr. Chairman, this is a very important amendment. It removes a number of major problems in the bill. I find it hard to imagine how Members could not support a proposal which could restore primaries, enhance the ability of candidates to get on the ballot, and give the States greater flexibility to administer special elections in a time of crisis.

Mr. Chairman, I urge an ''aye'' vote.

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

Mr. NEY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Chairman, I would like to begin by yielding to my friend from Washington (Mr. BAIRD), to see if he would like to pose a question to me.

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

Mr. DREIER. I yield to the gentleman from Washington.

Mr. BAIRD. Mr. Chairman, if the gentleman would please show me where in the United States Constitution political parties are authorized to select candidates for the House of Representatives, I would be happy to engage in this colloquy.

Mr. DREIER. Mr. Chairman, reclaiming my time, I thank the gentleman for his question. I wanted to respond to it earlier.

Article I, Section 4 of the Constitution makes it very clear that times, places and manner of election are within the purview of this institution.

I would go on to say that the United States Supreme Court has correctly, in my opinion, held that the times, places and manner clause of Article I, Section 4, grants Congress broad power, broad power, over elections, including, and I quote from the Smiley v. Holm decision of the Supreme Court, where they say ''authority to provide a complete code for Congressional elections, not as only to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting votes, making and publication of election returns.''

Mr. Chairman, let me say that is the provision that was upheld by the Supreme Court, and to me that makes it very, very clear that we have that authority.

The issue of uniformity is something we were very, very careful in crafting in this legislation. Why? Because as we look at this 45-day period, we want to make sure that all across the country we have an opportunity for people in a time of crisis to at the same time cast their ballots.

Now, when my friend the gentleman from Connecticut (Mr. LARSON) used the issue of the State, I think it was Minnesota, that had that 15-day provision, I am convinced that just as we in California were able to take on that very unique and unprecedented recall election that we held last year, similarly States like Minnesota, which have had that nominating process take place, they have held those primaries in 15 days, similarly that nominating process could take place within the 10-day period.

We all know, Mr. Chairman, that this would be an extraordinary circumstance. And one of the reasons, I would say to my friend from Washington who raised the concern about the immediacy of trying to ensure that we have a full complement of Members of the House working, that is the reason that we have the 45-day period put into place, and that is the reason that we spent a great deal of time over the last year and a half talking with secretaries of state across this country, including, as I said, the three members of this institution who did serve as secretaries of state, to come up with a time which would best allow us to ensure those rights, realizing that this is in an extraordinary, potentially very difficult time for our Nation.

Mr. BAIRD. Mr. Chairman, if the gentleman will yield further, my question is, where in the Constitution of the United States? I understand the Supreme Court has ruled that, but the point is if the gentleman is asserting that the purpose of this bill before us today is to protect the rights of all voters to elect their Representatives, effectively it is my position that you are disenfranchising those from independent parties or minority parties from selecting their candidates.

The second thing I would ask, since we are quoting the Constitution, is where in the Constitution or in subsequent Supreme Court decisions has it authorized the executive branch to function without checks and balances

from a House of Representatives or from a House of Representatives comprised of less than a quorum?

Mr. DREIER. Mr. Chairman, reclaiming my time, let me say there is no attempt whatsoever to give the executive branch the opportunity to run without the oversight that is, in fact, ensured in the Constitution. I believe that we would have a complement of Members. I do not know exactly what that would consist of, but the goal of this legislation is to make sure that we can get back to the full 435 membership, ensuring that we are the body of the people.

I would say that one of the interesting things about our Constitution, juxtaposed to other constitutions in the world and State constitutions, mine in California being an example, is the fact that any of us, just like the majority leader, are able to put it in our pocket. So that is why that very small item that I mentioned in Article I, Section 4 of the Constitution, makes it clear, and that interpretation, upheld by the United States Supreme Court, makes it clear that we do have the ability to do that. That is how we are legislatively able to proceed with this.

I will once again say to my friend from Washington and others on this issue, as we look at what appears to me to be growing opposition to amending the U.S. Constitution, and I will say to my friend, I have had Democrats as well as nearly every Republican with whom I have spoken on this say they are opposed to it, I think that there should be a realization that for us to take this first step with this very responsible, very balanced, very thoughtful approach, which has been considered over a long period of time, is the route for us to take.

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

Mr. Chairman, again I would add sincerely how much I have appreciated the debate and the depth of the debate that has taken place on the floor today.

I harken back to something I said during the debate on the rule, a notion that was brought up by the gentleman from Massachusetts (Mr. MCGOVERN), that the only time, to my knowledge, that we have met in joint caucus has been when we were discussing the anthrax issue, and by the nature of this debate and the richness of this debate and the feelings on all sides, it rises above in so many respects the Committee on Rules, the Committee on House Administration and the Committee on the Judiciary and belongs in front of Members to discuss because of so many of these issues that are before us.

I quoted Judge Learned Hand before, and I will continue to quote him, because while you may be sure that all of these things can be accomplished in 45 days, I remain skeptical that that could happen, and my skepticism comes from wanting to provide the very constituents that would send someone through these doorways, duly elected, to have fully participated and therefore legitimized that election as well.

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

Mr. LARSON of Connecticut. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would say that there is no way that you are going to get me to argue with Learned Hand. I share that skepticism, and I believe that is a very healthy thing, and it is an important thing.

We have pondered almost every possibility. As I listened to the opening statement that was made during the debate on the rule from my friend from Washington describing what conceivably could happen if we were in the midst of a State of the Union Address, and we had every single Member of the House and Senate and everyone, save the one member of the Cabinet who does not come to these addresses, obliterated, what would happen. Frankly, if it was as described, a nuclear bomb were to go off in this area, who knows how far that would reach, and that individual could be killed. So we have pondered everything.

What we have done, I believe, is we have worked very hard talking to many, many different people about the most balanced way that we can approach an imponderable, difficult situation, and I think we have come up with something reasonable. That is why in light of the fact it is going to be very difficult, I am happy to say, for a constitutional amendment to pass this body, I think that we need to ask the question, what is the backup position? What is it that is proposed, short of a constitutional amendment, other than this legislative approach, which we have tried to take in a bipartisan way?

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, I would suggest that my amendments, I think, improve that.

Mr. DREIER. Mr. Chairman, if the gentleman would further yield, the amendment extending from 45 to 75 days in fact lengthens the amount of time when we could possibly get this body back together.

Mr. LARSON of Connecticut. Mr. Chairman, reclaiming my time, this deals with the 10-day provision underneath, which again prohibits primaries.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

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

Mr. LARSON of Connecticut. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider Amendment No. 3 made in order by the order of the House of earlier today.

AMENDMENT OFFERED BY MRS. MALONEY

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

The CHAIRMAN. Is the gentlewoman from New York (Mrs. MALONEY) the designee of the gentleman from Missouri (Mr. SKELTON)?

Mrs. MALONEY. Yes, Mr. Chairman, I am.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment made in order by a previous order of the House in lieu of Amendment No. 3 printed in House Report No. 108–466 offered by Mrs. MALONEY:

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

''(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

''(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

''(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.''.

The CHAIRMAN. Pursuant to House Resolution 602, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York. (Mrs. MALONEY).

□ 1445

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

Mr. Chairman, I rise in support of the Skelton amendment, and I am pleased to join my colleague and friend, the gentleman from Missouri (Mr. SKELTON), in offering this amendment. He has always been a strong advocate for the men and women in the military. And the purpose of this amendment is to ensure that overseas voters, including the men and women who are risking their lives to protect our country, their dependents, and private citizens, will have an opportunity to vote in a continuity-of-government election.

I join my colleague in thanking the gentleman from California (Chairman DREIER) and the gentleman from Missouri (Mr. BLUNT) for working with us

to bring this amendment to the floor. While this is not the amendment that we originally offered before the Committee on Rules, we appreciate their good-faith efforts to reach this compromise.

The terrorist attacks of September 11 made us all aware of how vulnerable our government could be in the event of a catastrophe. The underlying bill provides for special elections if more than 100 Members of the House are incapacitated or killed. While there are many objections to the bill, it protects the tradition that Members of the House may only serve if they have been elected by the people.

Our amendment simply requires States to provide overseas voters 45 days to return their ballots from the date on which the ballot is mailed. If we are going to have elections to deal with disasters as envisioned by this legislation and which we hope will never happen, our amendment will ensure that overseas voters have the same opportunity that our voters at home have to cast their ballots.

For several years I have been working on making sure that overseas voters can participate in elections. In the Help America Vote Act, my colleague from the other side of the aisle, the gentleman from New York (Mr. REYNOLDS), and I were able to include provisions that will ensure that overseas voters have a better opportunity to vote in Federal general elections.

The Skelton-Maloney amendment is a continuation of this effort by helping overseas American voters participate in a continuity-of-government election if one should be necessary.

We owe a tremendous debt of gratitude to the men and women who are serving our country. At the very least we must make the efforts to make sure that they are included in the basic right of participating in elections. This extends the number of days from the date that the ballot is mailed so that they have time to mail it back and be part of this election.

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

Mr. BLUNT. Mr. Chairman, I ask unanimous consent to control the time in opposition to this amendment, though I do not oppose the amendment.

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

There was no objection.

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

Mr. Chairman, I am pleased to be working with my colleagues, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Missouri (Mr. SKELTON), to bring this amendment to the floor. It does allow additional time for those who are serving in the military or those who are overseas to receive their ballot and be allowed to return their ballot. It does not prevent the States from certifying a winner, but only allows extra time if needed for those overseas ballots to be counted.

As a former Secretary of State and chief election official of our State, there would be many occasions when you might still have a ballot out, but it is clear to the State election official that the ballot out would make no difference in the outcome and consequently no particular reason to slow down the process of certifying in the circumstances we are talking about.

At the same time, if those ballots that had not been returned would make a difference, they would have to be counted, have to be part of the process, and would assure that all those who could have made a difference in the outcome of the election had a chance to do this.

In all likelihood, we would see State election officials doing everything they could to expedite this process. We give them in the language here certainly authority to use electronic means to transmit ballots to people overseas or in the military. Also we require that, if practical, election officials have a ballot ready to send out within 15 days of the starting of that original 45-day clock. I think in these circumstances that is certainly a time that election officials could meet. But because the way this is worded, if they cannot meet that language, there is no penalty. There is just a clear encouragement here to move this process along, get those ballots in the mail, and take time then, as necessary, for those ballots to return.

I particularly appreciate my friend, the gentleman from Missouri (Mr. SKELTON), and the great commitment he has on this and to those who serve us. It is a privilege for me to stand here in support of this amendment that he and the gentlewoman from New York (Mrs. MALONEY) and I have jointly recommended be included in this legislation.

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

Mrs. MALONEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, first let me say that the amendment being offered today by my friend and colleague, the gentlewoman from New York (Mrs. MALONEY), and by my next door neighbor back home, the gentleman from Missouri (Mr. BLUNT), is very important. It would ensure that adequate time is provided to the States holding continuity-of-government elections to ensure that overseas and deployed servicemembers have sufficient time in which to register and vote.

I would like to thank the gentleman from California (Mr. DREIER) also and the ranking member of the Committee on Rules, the gentleman from Texas (Mr. FROST). Again, a special thanks to the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Missouri (Mr. BLUNT) for working with us. We had to work it out over a period of several days. And we appreciate, I think, at the end of the day, it is a very, very good amendment. So we thank them for that.

This act would require States to conduct expedited special elections in extraordinary circumstances which means that there are more than 100 vacancies in the House of Representatives. States would have 45 days in which to nominate candidates and hold elections to fill these congressional vacancies.

The deadly terrorist attacks on September 11 raised the Nation's awareness that a catastrophic assault on our country's soil was not just a historical event, but a constant threat that we truly must face. We are living in an environment where terrorists are willing to target unarmed civilians and innocent bystanders to call attention to their cause. Unlike military conflicts in the past, these extremists do not follow acceptable standards for rules of engagement under the Geneva Convention.

The threat of future terrorist attacks convinces me that we need to review the process by which we provide continuity of government in case of a catastrophic attack on Congress. However, any effort we undertake should not alienate or disenfranchise any American citizen, particularly those who volunteered or who serve at the point of the spear, American servicemembers.

This amendment would ensure that adequate time is provided to military members who are serving overseas to participate in the most basic right of this country's democracy, the right to vote.

The Department of Defense has been working with States to ensure that at least 45 days of transit time are provided during regular elections so that overseas and deployed members and other Americans stationed overseas have the opportunity to participate. To be fair to our men and women in uniform, States should provide 45 days from the time from which the ballot is mailed to the voter to the date by which the voter must return the ballot to the local election official.

The amendment that is offered today by the gentleman from Missouri (Mr. BLUNT), the gentlewoman from New York (Mrs. MALONEY), and me simply seeks to ensure that servicemembers and American citizens who are stationed or deployed overseas may fully participate in this special electoral process. The amendment seeks no more than basic fairness.

I urge my colleagues to support this amendment, to protect the voting rights of those in uniform and those who serve so well and so ably overseas.

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

Mr. Chairman, in relation to this, the general topic here of the bill, I mentioned the importance of preparing these ballots in a quick period of time. I know that my friend, the gentleman from Rhode Island (Mr. LANGEVIN), earlier, also a former Secretary of State, questioned whether 45 days was practical or not. I would just like to point

out that 10 States already have a time frame that is 45 days or less. Rhode Island is pretty small. A State very close, New York, that is very big, has a 40-day time frame now. Texas has a time frame that is within the 45 days, and eight other States do as well.

I certainly think that is a reasonable period of time, particularly in these extraordinary circumstances. I think we would see State election officials not only eager to help reconstitute the House but also encouraging the quick movement in the process of the selection of candidates and the preparation of ballots. Those ballots would then be mailed to military personnel and personnel overseas. And those individuals serving, as the gentleman from Missouri (Mr. SKELTON) said, particularly those in the military serving at the point of the spear, would have the time that they would appropriately need to have to respond to this process.

Mrs. MALONEY. Mr. Chairman, having no other speakers, I yield back the balance of my time.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 108–466.

AMENDMENT NO. 4 OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, the gentlewoman from Texas (Ms. JACKSON-LEE) has an amendment at the desk made in order under the rule that I will be offering on her behalf as her designee.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SCHIFF:

In section 26(b)(4)(C)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''2 days'' and insert ''7 days''.

In section 26(b)(4)(C)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''the action'' the following: ''(taking into account an opportunity for an expedited appeal of the initial decision)''.

In section 26(b)(4)(C)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''vacant'' the following: ''any citizen of the district and any political party of the State''.

The CHAIRMAN. The gentleman from California (Mr. SCHIFF) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

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

Mr. SCHIFF. Mr. Chairman, the amendment that I offer today on behalf of the gentlewoman from Texas (Ms. JACKSON-LEE) would make a few minor changes with respect to the judicial review provisions currently within the bill. The amendment would briefly extend the amount of time for an action to be filed in court with regard to the Speaker's announcement of a vacancy. It would further provide for the appeal of that court's decision and for participation in this process by all citizens.

Mr. Chairman, the matter we are discussing today on the floor, the reconstitution of this House in response to a devastating attack, is certainly a contingency that none of us would like to imagine. It is a scenario that, frankly, seems unthinkable. However, because of the continuing threat of terrorism that we face, we must contemplate even the unthinkable.

The House of Representatives is indeed a unique body. As a purely representative body, there is only one way to get here: by direct election of the people of this great Nation. I cherish that heritage, and I know my colleagues do as well; but the love of that tradition cannot take precedence over the need to ensure continuity of our representative government in the face of unprecedented disaster, the annihilation of a large number of our Members.

The base bill contemplates that we would operate without a government for 45 days. This, my colleagues, is a dereliction of duty. It is a dereliction of our duty to ensure that the governance of our Nation goes on in the face of such a tragedy. I, therefore, oppose the base bill. During the 45 days that followed the events of September 11, Congress worked vigorously to respond to the attacks on our Nation. No doubt the devastation of our Congress and the equally accompanying trauma of such a devastation would require the most prompt response likewise. The principle that all the people should be equally represented is essential to our democratic character, and mass vacancies for 45 days will be a departure from the representative rule of that body.

Without a quorum in the House, the inability to conduct business may, in turn, force a President to act extraconstitutionally in any immediate response to an attack. By protecting one tradition, we would instead be scuttling others; and in the process we will only deny the American people the assurance that our swift and decisive response was a legitimate one.

□ 1500

Mr. Chairman, the survival of our very Nation must take precedence over our fond and philosophical adherence to the principal of direct election to the House under all circumstances. The temporary appointment of Members to fill vacancies where 100 or more of our Members are killed or incapacitated is the narrowest of exceptions. In the unlikely event we should ever face such a terrible contingency, our country's future will depend more, far more, on the swift response of a fully reconstituted Congress than on a blind adherence to the principle of direct elections for 45 excruciating days. I, therefore, oppose the base bill.

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

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

Mr. Chairman, this is another amendment that is designed to slow down having an election to replace Members who have been wiped out as a result of a terrorist attack. It has a number of features that will do that and will open up Pandora's box to allow people to game the system.

The first part of the amendment extends by 5 days, from 2 days to 7 days, the time in which legal action can be filed on the narrow issue of whether there are 100 vacancies and whether a vacancy occurs in a particular district.

The second section of the gentleman's amendment is not properly drafted. The base bill says that the decision of the district court of 3 judges must be rendered within 3 days and is not reviewable. However, the second section of the amendment says, taking into account the opportunity for an expedited appeal of the initial decision.

There is no appeal of the initial decision in the base bill, and the second section makes that section of the revised statute inconsistent in its text.

The third section of the amendment proposes to allow anybody or a political party to petition for an appeal. This is how the system can be gamed. My district is an overwhelmingly Republican district. It has never elected a Democrat to the House of Representatives in over 40 years. If I should be annihilated, I am sure that there would be the temptation that would be there for the Democrats in my district to try to stop an election and try to stop a Republican from probably being elected and seated to replace me. Similarly, in the district next door to me, currently represented by the gentleman from Wisconsin (Mr. KLECZKA), that is an overwhelmingly Democratic district, and the temptation would be there under this amendment for the Republican Party or Republican citizens to file a lawsuit to slow down the election of the replacement of the gentleman from Wisconsin (Mr. KLECZKA) should he be annihilated in a terrorist attack.

So the amendment that has been offered allows people to game the system for political ends rather than to rise above partisanship at times of a crisis and to speedily elect a replacement Member when someone has been wiped out in a terrorist attack.

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

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

Mr. Chairman, I appreciate the comments of the chairman of the Committee on the Judiciary and all the work that he has done on the committee. He expresses a concern about the timeliness of the process contemplated by this amendment, and I share the concern about the timeliness of the process contemplated in the base

bill. And, in fact, this is one of the reasons I have such concerns about the base bill. Whether it is 45 days or 47 days or 50 days, this is far too long in the wake of catastrophe to be reconstituting the Congress.

I also share the chairman's desire that we rise above considerations of partisanship and think that this bill should go back to committee and come forth with a bipartisan measure that comes forth for all of us. This is a bipartisan bill. It should have a bipartisan work product.

Mr. Chairman, I yield 60 seconds to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, in reading the base bill I have a concern, and it has nothing to do with the number of days, but it has all to do with how that is triggered.

In the legislation itself it says, ''Extraordinary circumstances occur when the Speaker of the House of Representatives announces that vacancies have occurred.''

Now, should, and God forbid on the evening that we would have the State of the Union, and we are all here, and there should be a missile, it could wipe out everyone, including everyone that is on the list at that time. Who then triggers this action? Who are the people? Who has the authority to put this process in place?

Mr. DREIER. Mr. Chairman, will the gentlewoman yield?

Ms. WATSON. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank the gentlewoman for yielding to me.

Let me say that the imponderable, if every single one, all 537 of the Federally elected officials, the President, the Vice President and all the Members of the House, and all the Members of Senate, in fact, are killed, including all of the Cabinet members, including the Cabinet member who is not here at the State of the Union message, it would be up to the people to come together and make the determination as the rebuilding process begins.

I thank my friend for yielding.

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

Mr. Chairman, we have heard an awful lot that this is not a bipartisan bill. This is a bipartisan bill, and I would draw the attention of the Members to the reported bill does show that additional cosponsors include the two top Democrats on the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN).

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

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

The amendment was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 offered by the gentleman from Connecticut (Mr. LARSON);

Amendment No. 2 offered by the gentleman from Connecticut (Mr. LARSON).

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 1 OFFERED BY MR. LARSON OF CONNECTICUT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. LARSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 229, not voting 25, as follows:

[Roll No. 128]

AYES—179

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
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—229

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
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
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
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
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)
Sanchez, Loretta
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—25

Cardin
Carter
Clyburn
DeMint
Duncan
Forbes
Gallegly
Gephardt
Goss
Hastings (FL)
Hinchey
Hinojosa
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Peterson (PA)
Pombo
Shuster
Smith (MI)
Sullivan
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. ISAKSON (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1531

Messrs. BURNS, PUTNAM, NORWOOD, BARRETT of South Carolina, Ms. GINNY BROWN-WAITE of Florida, and Messrs. ROGERS of Alabama, FROST, OTTER, and TAYLOR of North Carolina changed their vote from ''aye'' to ''no.''

Mr. EDWARDS and Ms. SLAUGHTER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. LARSON OF CONNECTICUT

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Connecticut (Mr. LARSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 217, not voting 28, as follows:

[Roll No. 129]

AYES—188

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
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hefley
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—217

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
Case
Castle
Chabot
Chocola
Coble
Cole
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
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
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
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)
Sanchez, Loretta
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—28

Cardin
Carter
Clyburn
Collins
Cox
DeMint
Duncan
Emerson
Forbes
Gallegly
Gephardt
Goss
Hastings (FL)
Hinchey
Hinojosa
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Neugebauer
Peterson (PA)
Pombo
Shuster
Smith (MI)
Tauzin
Toomey
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1540

Ms. PRYCE of Ohio changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. NEUGEBAUER. Mr. Chairman, on roll-call No. 129, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. GOSS. Mr. Chairman, on roll call Nos. 128, 129, I was unavoidably detained. Had I been present, I would have voted "no."

PREFERENTIAL MOTION OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BAIRD moves that the Committee of the Whole do now rise and report the bill H.R. 2844 back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes in support of his motion.

Mr. BAIRD. Mr. Chairman, this is as serious as it gets. Two and a half years ago, we were given a remarkable gift. We were given the gift of life itself, as a plane was heading this way with the intent to kill all of us. Had they succeeded, the institution that we hold so dear, that provides for representation on a proportional basis by the citizens of our areas would have at least temporarily perished.

We have no adequate provisions before us today to fill that gap should it happen, but we have no question today that we must confront that possibility. In an era of nuclear weapons, of terrorists who mean our destruction, we must accept our own mortality in order that we can preserve the immortality of this institution we all so cherish.

We have had a spirited debate today. I lament that we were not all given sufficient time to participate, that key amendments were not offered, and that we were not all here for this. I know well that we have many things to do, but this is about the very existence of the institution.

Yesterday I had the privilege of speaking with many of my colleagues on both sides of the aisle, and I asked a simple question: Have we, in all sincerity and honesty, given enough

thought to the measure before us, given the gravity of the issue before us? And many of those colleagues looked me in the eye and said, frankly, no. And yet today we are moving forward towards passage of a bill, which well-intentioned, and I do not doubt the intentions of the authors of this bill, and there is merit to expediting elections, and I appreciate the give and take, but, my colleagues, please understand, this bill carries with it a number of problems.

I believe this bill disenfranchises independent voters. I believe it does not provide for situations in which States cannot conduct their elections in 45 days. I believe it leads to a chaotic process as some States replenish their Members and others have yet to, and the leadership of the House changes. But most importantly of all, it leaves us without a Congress.

My friends on the other side have suggested some things which I need to clarify, because I think they are not fair and they are not accurate. They have suggested some of us want to take away the rights of citizens to elect their Representatives. It is not true. Not a single voice in the House of Representatives today shared that message. Instead, we all said we love, and would adhere to and would defend to the death the rights of citizens to elect their Representatives.

But we have also said that no representation at all for a period of 45 days is a more grave and egregious insult to the intent of the Framers than would be temporary appointments in some fashion followed by direct election. Do not let anyone suggest to you that we want to take away the right to election, but neither imagine that the bill today will solve the problem.

At a time of the most grave crisis in the history of our Nation, we would be left without a United States Congress. Go home and look at the Constitution and tear out Article I. That is the consequence if we do not take further action.

Let me ask this, too. Go home and ask your constituents that if you were to perish, along with hundreds of our colleagues today, and a Cabinet member became the President of the United States, someone they had never elected and do not even know, and that individual chooses to send their son or daughter to war, would they like to have a Representative from their region there to express their views, or would they prefer that that seat be vacated? That is the issue before us.

I am going to ask my colleagues to vote ''no'' on this resolution, not because it is not well intentioned, but because we have not adequately given it the attention we deserve. If you can look yourself in the eye as you put that card in that slot and say, I have given 5 hours of study to this resolution, 5 hours, then vote your conscience.

□ 1545

But if you have not, please vote ''no'' so you can have more time to study this and discuss it with scholars.

Finally, we have asked and the chairman has agreed, and I am grateful for that, that we explore and debate the issue of a constitutional amendment to solve this. But I would beseech the chairman to please not only bring up my proposal, give other Members a chance to bring up proposals so the issue gets full and fair debate.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, we have been debating this matter in the Committee of the Whole and before that when the rule was adopted for almost 5 hours. It has become crystal clear that the entire thrust of this debate is whether a reconstituted House of Representatives following a disaster will be comprised of elected Members or temporary appointments, appointed by somebody, maybe the Governor, maybe the legislature, maybe we ourselves before our demise.

The issue of maintaining the people's House I think is the paramount consideration we ought to be giving on this issue. But even if Members agree we should amend the Constitution to have temporary appointments, I think everybody ought to agree we ought to have special elections as quickly as possible so that those who come to replace us will arrive with a mandate from the people of our district.

So whether or not Members favor a temporary appointment method, which I do not, or Members favor keeping the House being solely elected, Members ought to vote for this bill because it does allow for the filling of vacancies when 100 or more seats are vacant as quickly as possible. That is the issue we have before us today, and it is an issue which I believe is of paramount importance because, should this Nation be in crisis as a result of a huge number of Members in the House of Representatives being killed in a terrorist attack, the sooner we put the people back in charge with representatives elected by the people I think should be the paramount issue.

Now, the final point I would like to make is, yes, my committee will mark up and send out to the floor the Baird constitutional amendment at our next markup, and I hope that the leadership would schedule that as quickly as possible. I for one will vigorously oppose it because I believe the principle of an elected House of Representatives is one that should prevail over everything.

The final point I would like Members to consider is if we end up having an appointed House of Representatives even temporarily and an appointed Senate and an appointed President, where do the people rule? They do not rule in any of the three branches that make laws and appropriate the public's money; that is all done by appointed positions. And that is why I believe it is important to maintain the elected nature of this House of Representatives even in the case where a catastrophe occurs. I would urge rejection of the preferential motion and urge passage of the bill.

Mr. BAIRD. Mr. Chairman, I withdraw my preferential motion.

The CHAIRMAN. Without objection, the preferential motion is withdrawn.

There was no objection.

The CHAIRMAN. There being no further amendments in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, pursuant to House Resolution 602, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WATT

Mr. WATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WATT. I am, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mr. WATT moves to recommit the bill H.R. 2844 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

''(5) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

''(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

''(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

''(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

''(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

''(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

''(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

''(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes in support of his motion to recommit.

Mr. WATT. Mr. Speaker, the artificial time frames and deadlines specified in H.R. 2844 could make it impossible to comply with many State and Federal laws. Consequently, it has the potential to cause serious violations of voting rights and civil rights. To correct that problem, I rise to offer this motion to recommit with instructions.

The motion to recommit seeks to limit the damage posed by H.R. 2844 by ensuring that nothing in the bill will undercut the requirements of the civil rights and voting rights laws that this Congress enacted and this country has painstakingly honored over the last 40 years.

I cannot support a measure that does not protect the voting rights of every American, including racial and language minorities, people with disabilities, the elderly, and our young men and women serving in the military.

H.R. 2844 jeopardizes those protections now afforded to racial and language minorities under section 5 of the Voting Rights Act of 1965 by making it impossible to provide voting materials to States or political subdivisions with more than 5 percent of the citizens of voting age who are single-language minorities and are limited-English proficient within the time frame prescribed by this legislation.

Are these citizens not entitled to participate? The Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 sought to empower individuals with disabilities to participate fully in society. H.R. 2844 will diminish both laws by not providing sufficient time to find facilities to host polling sites that are accessible to persons with disabilities. These citizens should be entitled to participate in our democracy even in crisis times.

In the last term of Congress, we passed the Help America Vote Act of 2002. The bill passed with bipartisan support in an effort to address the problems brought to light during the 2000 Presidential elections. Does H.R. 2844 allow enough time for provisional ballots to be printed and for other important provisions of that law to be complied with? The answer is, no.

H.R. 2844 will also undermine the Uniformed and Overseas Citizens Absentee Voting Act by failing to provide sufficient time for absentee ballots to be printed, distributed, and returned from Americans living abroad. This includes military and diplomatic personnel, their families, and other Americans living abroad. The Department of Defense believes that a minimum of 45 days should be allowed from the time ballots are printed, not from the date the election is called. Our military men and women are serving our Nation all around the world. They should be entitled to participate in our democracy, even in times of crisis.

I think we should be sure that every law passed by this body to ensure equal protection of voting rights to every citizen, not just certain Americans, should apply to special elections. H.R. 2844 fails to make good on that promise.

For these reasons, I offer this motion to recommit and ask my colleagues for their support based on the proposition that every citizen should be able to participate in our democracy, especially in times of crisis.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit for now, but I am prepared to accept this motion to recommit for a number of reasons.

First of all, I think the motion to recommit is redundant in that all Federal laws apply to these special elections, not just the laws that are enumerated to the motion to recommit with instructions that the gentleman from North Carolina (Mr. WATT) has offered, but I want to be much more serious in terms of dealing with this.

How the House is reconstituted following a disaster should not be an issue of partisan debate. Much of what has gone on here today has been a partisan debate; and in accepting this motion to recommit, I am reaching out to the other side to say let us make the passage of this bill bipartisan because the acceptance of the motion to recommit should make the bill bipartisan.

□ 1600

And that, coupled with my commitment to deal with the gentleman from Washington's (Mr. BAIRD) constitutional amendment, certainly should show that we are dealing with this issue in good faith. And whether one supports the gentleman from Washington's (Mr. BAIRD) amendment or not, it is important, I think, to make sure that the replacement representatives that are elected are elected and seated as soon as humanly possible, and that is what this bill attempts to do.

So I would hope that after the acceptance of this motion to recommit, we could pass this bill by an overwhelming vote; and I would reach out to my friends on the other side of the aisle and make that offer and hope that they reciprocate.

I yield to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me.

Mr. Speaker, I would join with the chairman of the Committee on the Judiciary and say that we do truly want to work in a bipartisan way to make sure that the greatest deliberative body known to man is maintained as that, and I hope very much that our decision to accept the motion to recommit which is being offered in good faith by the gentleman from North Carolina will see us proceed with an overwhelming vote.

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

The SPEAKER pro tempore (Mr. LAHOOD). 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 agreed to.

The SPEAKER pro tempore. Is the gentleman from Wisconsin (Mr. SENSENBRENNER) reporting back on behalf of the Committee on House Administration?

Mr. SENSENBRENNER. I am, Mr. Speaker, in the absence of the chairman.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 2844, back to the House with an amendment.

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

The Clerk read as follows:

Amendment:

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

''(5) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

''(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

''(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

''(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

''(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

''(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

''(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

''(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.''.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 97, not voting 30, as follows:

[Roll No. 130]

YEAS—306

Abercrombie
Ackerman
Aderholt
Akin
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
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
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—97

Alexander
Allen
Andrews
Baird
Baldwin
Bell
Berkley
Berry
Brady (PA)
Brown (OH)
Clay
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Eshoo
Evans
Farr
Filner
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hefley
Hill
Holt
Honda
Hoyer
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kilpatrick
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lucas (OK)
Lynch
Majette
Matsui
McCollum
McDermott
McGovern
McInnis
Meehan
Menendez
Michaud
Miller, George
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pelosi
Peterson (MN)
Pomeroy
Rohrabacher
Ross
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Serrano
Slaughter
Solis
Stark
Strickland
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Tierney
Van Hollen
Visclosky
Waters
Watson
Waxman
Woolsey

NOT VOTING—30

Boehlert
Cardin
Carter
Clyburn
Collins
Delahunt
DeMint
Duncan
Forbes
Gallegly
Gephardt
Hastings (FL)
Hinchey
Hinojosa
Houghton
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Nunes
Payne
Peterson (PA)
Pombo
Shuster
Smith (MI)
Tauzin
Taylor (NC)
Toomey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1623

Ms. BERKLEY, Mr. GORDON and Ms. LINDA SÁNCHEZ of California changed their vote from ''yea'' to ''nay.''

Mr. SPRATT and Mr. LEWIS of Georgia changed their vote from ''nay'' to ''yea.''

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 require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, I missed votes on Thursday, April 22, 2004, due to a representational activity. Had I been present, the record would reflect that I would have voted: roll 128, Larson No. 1 amendment; "aye"; roll 129, Larson No. 2 amendment, "aye"; roll 130, Final Passage H.R. 2844 Continuity in Representation Act, "nay."

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, during rollcall votes 126, 127, 128, 129, and 130 I was unavoidably detained. If I had been present, I would have voted "yea" on rollcall votes 126, 127, and 130. I would have voted "nay" on rollcall votes 128 and 129.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2844.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader the schedule for the following week.

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

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

Mr. DELAY. Mr. Speaker, I thank the distinguished whip for yielding to me.

Mr. Speaker, next week the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several

measures under suspension of rules. A final list of these bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

On Wednesday and Thursday, the House will convene at 10 a.m. We plan to consider H.R. 4181, which would permanently remove the marriage tax penalty from the Internal Revenue Code. In addition, we expect to consider a short-term extension of the highway bill, as the current extension expires at the end of this month.

Finally, I would like to remind all Members that we do not plan to have votes next Friday, April 30.

Mr. HOYER. Ms. Chairman, I appreciate that information.

With respect to the transportation reauthorization bill, can the leader tell me for what length of time we will extend the existing authorization?

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, it is just an extension of the authorization. As far as length of time, the bill has not been written yet, but in the discussions that I have been privy to, I am advised that it could very well be about 2 months.

Mr. HOYER. The same period as we had on this bill.

Mr. DELAY. Yes.

Mr. HOYER. I thank the gentleman.

With respect to the fiscal 2005 budget resolution, do you expect we might see a conference report on the budget next week?

Mr. DELAY. If the gentleman will yield further, based on the feedback that I have gotten from the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget, I believe that we could very well see the budget resolution conference report be completed in time so that we could vote on it sometime next week.

Mr. HOYER. Is the pay-as-you-go provision still a major stumbling block in the conference, or does the gentleman know?

Mr. DELAY. If the gentleman will yield further, I am not privy to the discussions between the other body and the House in the conference committee, so I really cannot answer that question.

Mr. HOYER. With respect to the marriage penalty tax bill, will this bill be considered in the Committee on Ways and Means?

Mr. DELAY. The marriage penalty bill, yes, will be marked up by the Committee on Ways and Means, I believe.

I am being corrected, and I appreciate the correction. I think it is not going to be marked up by the Committee on Ways and Means. It is coming straight to the floor.

Mr. HOYER. Reclaiming my time, the reason I asked the question, obviously, is members of the Committee on Ways and Means had not heard about marking up that bill. Is there some reason we are not pursuing the regular order and having that bill reported back out of the committee?

Mr. DELAY. If the gentleman will yield further, this is a very simple, straightforward provision. It is the same provision we have carried and passed by this House many times. It is not very complicated. I am advised that the chairman of the committee did not feel that he needed to use the time of the committee to mark up such a very simple bill that has been discussed and debated on this floor many times, and passed by the House many times.

Mr. HOYER. I cannot help myself for making this remark, Mr. Leader, but I am not surprised that the chairman of the committee feels it would not be necessary to go to the committee to ask for approval to have something passed out of that committee. We Democrats particularly know that that is the case.

Mr. Leader, we have information that leads us to believe that on subsequent weeks we are going to be considering the child care tax credit, the 10 percent tax bracket and possibly AMT. Is that information accurate?

Mr. DELAY. If the gentleman will yield further, as the gentleman knows, when we passed the Jobs and Economic Growth Tax Act last year, we accelerated several important provisions from the 2001 tax bill. Our goal was to allow more families and more businesses to keep more of their money, thereby encouraging private sector investment and consumer spending. These investments are driving, we feel, the economy forward. They are helping create more than half a million jobs in this year alone.

Over the next few weeks, I expect the House to continue those efforts by considering legislation, as the gentleman has outlined, that will ensure that families do not face a tax increase next year by extending marriage penalty relief, continuing the new low 10 percent bracket, extending the $1,000-per-child tax credit, and I believe the Committee on Ways and Means is considering an AMT reform. That will be done over the next several weeks.

Mr. HOYER. Reclaiming my time, I take that as a yes.

The gentleman mentioned extending the $1,000 child tax credit. Do you think this time we might include those families that are making less than $26,000 on this go-around? That has been pending for many, many months now, and, seeing as how you mentioned it, I thought I might inquire as to whether or not we might finally include the poorest working Americans in the benefit that has been extended to those that are doing a little better.

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I cannot prejudge what the Committee on Ways and Means might decide to do on that particular bill, but I have a feeling that if this bill became law, the gentleman's concerns would all be taken care of.

Mr. HOYER. I doubt that there is any bill that can pass that will take care of all my concerns, Mr. Leader, but I appreciate the information.

On those additional items, do you expect them as well not to go through the committee process and be considered by the committee, but come directly to the floor?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding further.

As the gentleman has already found out, I thought it was being marked up this week and was told differently. I do not know how to answer that question, other than the fact that each bill will be considered on its own merits by the Committee on Ways and Means, and they will have to make a decision whether the bill merits a markup or allow it to come straight to the floor.

Mr. HOYER. Mr. Leader, the last question I would ask you with respect to these tax bills, is it your expectation that the minority will be given the ability to offer a substitute on the bill coming up this week, the marriage penalty, but as well on the subsequent bills?

I yield to my friend.

Mr. DELAY. I appreciate the gentleman yielding further.

Of course, I obviously would defer for a final decision to the Committee on Rules, but I imagine, as is our longstanding tradition and custom of the House procedures, particularly in regard to tax measures, I would believe that they would prefer to limit the number of amendments, if any, to limit those amendments to germane substitutes.

□ 1630

Mr. HOYER. Mr. Speaker, reclaiming my time, let us assume the substitute is germane. Will we be allowed the opportunity to offer a germane substitute?

Mr. DELAY. Mr. Speaker, if the gentleman would yield, again, I would defer that kind of decision to the Committee on Rules; but, obviously, in most cases that I can remember a tax bill, there have been substitutes to the tax bills as long as they are germane.

Mr. HOYER. I thank the gentleman for that observation.

Lastly, I would say to the leader we understand this morning that the National Security Adviser Condoleezza Rice briefed the Republican Conference. I want to say that we have been offered the opportunity to have the National Security Adviser brief the Democratic Caucus. I think we will take advantage of that. But, Mr. Leader, clearly the present situation in Iraq is not what any of us would want.

During the course of this effort in Iraq, and immediately before it, we had briefings on this floor. Secretary Rumsfeld and from General Myers, from Deputy Secretary Wolfowitz, from Mr. Tenet, the Director of the CIA, from Mr. Mueller of the FBI, numerous others. And we came together as Republicans and Democrats and had the opportunity to be briefed. We had the

opportunity together to ask questions. Some of those, as my colleague knows, were in closed session because we discussed security information.

I want to say to my friend that we were disappointed that we did not do that this morning. Both of our caucuses are partisan; they represent parties. We were disappointed that this briefing was given on a partisan basis. We do not think that is in the best interest of the country; we do not think it is in the best interest of this Congress.

Mr. Leader, I would urge you to, on behalf of your leadership, join with us in assuring that, A, we have a number of bipartisan briefings from the principals involved as to what is going on. Our public is concerned, my colleague's people, my people, very concerned about what is happening to our troops, very concerned about our success in Iraq. I say that, as my friend knows, as one of those who supported the effort, supported the funding of this effort. But all of us have to be concerned about the situation.

So I would ask the leader if he might comment on the fact that we have historically had under Democratic leadership, Republican leadership, bipartisan briefings. I would hope that we could continue to have such. As I say, I think it is in the best interest of the country.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I can appreciate his disappointment, but I need to point out to the gentleman that this is not limited to Republicans. The gentleman has already said that Dr. Rice would gladly brief his caucus. Just as the President meets with bipartisan leadership, he has meetings with bipartisan Members of Congress, he also has meetings with Republicans. And he has on occasion had meetings with Democrats. This is not limiting or closing out anybody. It is just in this particular case we invited the NSC director to speak to the Republican Conference.

We have had and have notified your leadership that bipartisan briefings will be held by the NSC director as bipartisan meetings, as the gentleman has pointed out, have been held by the Secretary of Defense, the Chiefs of Staff, the CIA, and many, many others. It is just an added briefing that we felt we wanted to have. And certainly, the NSC director made sure that the same courtesy was paid to the Democratic Caucus, and she is more than willing to come before the Democratic Caucus.

No one is trying to be shut out, but there are times when our caucus wants to talk to this administration and we ought to be allowed to do that as long as we get briefings and open briefings in a bipartisan way as well.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that comment. I understand his observation. The gentleman will remember one of the most wrenching caucuses in which I participated was a bipartisan caucus after we tragically lost those 18 members of the service when the Black Hawk went down in Mogadisho, Somalia. And as you may recall, it was extraordinary. I think we must have had 350 of our Members in HC–5 in which Secretary Christopher and Secretary Aspin came and reported to us on the situation on the ground.

I understand what my colleague is saying, and he certainly has that right; but I think that the fact that we can meet together to get information together so that we are all getting the same information and hear one another's questions, hear one another's concerns, which reflect the concerns of the 280 million Americans, many of whom have young people overseas, and some, as he knows, because he has met with them as I have that are not so young in the National Guard and Reserve, we think it would be useful to do that in a bipartisan way together so that we could all hear the same information and therefore be able to work together to assist in solving what is a very difficult problem, ensuring to the greatest extent we can the safety of our people and the success of our mission.

But I thank the gentleman for his observations.

ADJOURNMENT TO MONDAY, APRIL 26, 2004, AND HOUR OF MEETING ON TUESDAY, APRIL 27, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday, April 26, 2004; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 27, for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
April 21, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 637(d)(1) of the HELP Commission Act (P.L. 108–199), I hereby appoint Mr. Lynn C. Fritz of California, Mr. C. Payne Lucas of Washington, D.C. and Mr. Jeffery D. Sachs of New York, to the Helping To Enhance The Livelihood Of People (HELP) Around The Globe Commission.

Best regards,

NANCY PELOSI.

SENATOR KERRY HAS THE SUPPORT OF VETERANS

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

Mr. SMITH of Washington. Mr. Speaker, throughout this Presidential campaign, we have heard from the Republicans repeatedly that they will not question Senator KERRY's patriotism. We all figured that was an empty promise, but it has been proven true in the well of this House this morning.

Several Republican Members came up and directly called into question Senator KERRY's patriotism based on his objections to the Vietnam War. And beyond that, we have even heard Republicans out on the airwaves questioning his service in Vietnam.

I do feel that there are many more important issues in this campaign that are legitimate to talk about. Senator KERRY has unbelievable support from veterans in this country. All 50 States have veterans for Kerry organizations that are strong and hard-working to support the Senator and, perhaps most tellingly, are the people who served with him in Vietnam. All of those people are supporting Senator KERRY regardless of their political stripes. Many are taking large chunks of personal time to go around and be supportive of him.

His record in Vietnam and his record afterwards should not be questioned, and it is being questioned by the Republicans. I think Senator MCCAIN said it best some time ago when asked about this and asked about Senator KERRY's protest against the war. He said that Senator KERRY's service in Vietnam fighting for our country more than gave him the right to protest the war if he thought it was wrong.

Senator KERRY honorably served this country in Vietnam, volunteered to serve, volunteered for combat duty, and he honorably upheld the traditions of this country when he came home and pursued his personal convictions to oppose the war. We should recognize that service.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURNS). The gentleman will refrain

from making improper references to individual Senators.

AMERICANS NEED JOBS

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

Mr. RYAN of Ohio. Mr. Speaker, another week has gone by in the United States Congress, and nothing has been done with unemployment benefits for unemployed workers throughout this country; 2 million to 3 million workers still do not have work. Thousands in the State of Ohio are losing their unemployment benefits every single day. And we sit here and we want to take pot shots at different Members of this body, different members of the Senate, candidates for President.

The real issues today are people do not have any place to go to find work. Those people that did have work have lost their jobs, and they are looking for unemployment benefits to feed their families. They want to send their kids to school. We have no manufacturing program in this country. We are bleeding jobs every day.

We better get our act together in the Congress. I think it is time for a change. I think we need to focus on what is most important here and what our job is here, and that is to take care of the American people.

CALLING SENATOR KERRY ''HANOI JOHN'' IS SHAMEFUL

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

Mr. STRICKLAND. Mr. Speaker, something happened on the floor of the House this morning that in my judgment is shameful, shameful, because the record of an American hero who shed his blood, who earned three Purple Hearts, a Silver Star, and a Bronze Medal was referred to on the floor of this House as ''Hanoi John.'' Is that what we have come to in this House?

I would remind those listening that when the President of the United States found some reason not to show up for his responsibilities and when Vice President CHENEY said he had other responsibilities during the Vietnam War, it was Senator JOHN KERRY who took the bullets for this country and for us and our freedoms.

Shame on those, shame on those who would denigrate the record of a true American hero.

REPUBLICANS ARE UNWILLING TO MEET THE COMMITMENT TO VETERANS

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

Mr. DEFAZIO. Mr. Speaker, by attacking JOHN KERRY's war record this morning, the Republicans would revive the controversy of the war in Vietnam, yet they are unwilling to meet the commitment to the veterans of that war who are still waiting for the benefits they were promised. They will attack veterans of the war, and they will not help the veterans of the war in the way we promised when they went to war.

They have not yet repealed the disabled veterans tax. They are supporting $1 billion less than we need to provide health care. The President is proposing to double the prescription drug cost for our veterans. And yet they have the temerity to attack a distinguished veteran of that war, one who has also voted to meet the commitments to the veterans of that war and the veterans who are coming home today. But they are not willing to pay that bill, they are just willing to attack.

NO BOUNDARIES

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

Mr. BELL. Mr. Speaker, are there no boundaries?

□ 1645

Earlier today several Republicans came to the floor of this House of Representatives to attack the military record of Senator JOHN KERRY, to attack the military record of an individual whose medals alone would take almost all of my allotted time to name, to attack the military record of a man who risked his very young life for his country in Vietnam and was wounded on three different occasions, a man who risked his life to save others; and then when we he came home to the United States, decided he was not finished saving lives. Instead, he decided to stand with thousands of other Americans and question a war that had clearly lost direction.

JOHN KERRY's appearance before the Senate Committee on Foreign Relations back then was a turning point in the debate on Vietnam, and he showed the same level of patriotism by taking that stand here at home as he did with his act of bravery in Vietnam. To attack him in this manner is simply shameful. But I guess in this day and age of politics, there are no boundaries, and regretfully we should not be surprised.

KERRY, HIGHLY DECORATED VETERAN

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

Ms. DELAURO. Mr. Speaker, December 1968, JOHN KERRY gets wounded in the arm. He is awarded the Purple Heart. February 1969, KERRY is wounded again, shrapnel in the left thigh. He is awarded a second Purple Heart. February 28, 1969, pursues a Viet Cong fighter, kills him and retrieves a rocket launcher, awarded a Silver Star. March 1969, a mine detonates the boat, wounding him in the right arm. He is awarded a third Purple Heart. He is also awarded a Bronze Star for saving a crew member.

As my colleagues have pointed out, Republicans came to this floor today to attack JOHN KERRY's military record. Shame on them. JOHN KERRY honors our men and our women in uniform. He honors the principles upon which this great Nation was founded. There are those who serve in the Republican side of this aisle who would do well to take heed and give honor to someone who served so well this great country of ours.

KERRY, A DECORATED WAR HERO

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, I was actually baffled to hear that some of my colleagues came to the floor this morning to criticize JOHN KERRY in his capacity as an enlisted soldier and war veteran. JOHN KERRY, the highly decorated hero, recipient of the Silver Star, Bronze Star, three Purple Hearts, Combat Action Ribbon, Navy Presidential Unit Citation, Navy Unit Commendation Ribbon, National Defense Service Medal, Vietnam Service Medal and the Vietnam Campaign Medal, that JOHN KERRY was blasted and accused of being unpatriotic for being critical of the Commander-in-Chief during the Vietnam War.

I am baffled that my colleagues would even choose to go there because our current Commander-in-Chief has, what can I say, a less than heroic military career, and the majority of the Americans are more than a little concerned about a President who has sent our soldiers into battle without an exit strategy, without a post-Saddam plan and without body armor.

DANGEROUS DUTY FOR KERRY

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

Mr. PALLONE. Mr. Speaker, JOHN KERRY volunteered for service in the Navy during the Vietnam War where he served as skipper on a swift boat that patrolled the Mekong Delta. Navy Admiral Elmo Zumwalt, who devised Operation Sea Lord, calculated in his biography that swift boat sailors had a 75 percent chance of being killed or wounded during a typical war. Under Sea Lord, swift boat duty was one of the most dangerous duties you could draw in the entire U.S. Navy. KERRY was wounded three times in Vietnam, received three Purple Hearts for those injuries. He was also awarded a Silver Star and a Bronze Star for his actions in combat.

In addition to the individual awards for bravery, KERRY's unit was awarded the Presidential Unit Citation Ribbon by President Richard Nixon.

I could go on, but I have to say I am ashamed to hear the statements that are being made by Republicans, by my colleagues on the other side, talking about Senator KERRY, who served so honorably, who was a decorated veteran. And if he decided that he wanted to question the Vietnam War after serving in it, that was his right as an American.

PRAISE KERRY

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, JOHN KERRY did serve his country honorably in Vietnam and stood up with many Americans to question a war that had lost purpose and was losing many American lives.

JOHN KERRY's speech played an important role in moving the debate from the streets to the floor of the Senate. The Nixon administration was not responding to the changes in the war in Vietnam and was deceiving the American people about the war.

KERRY's testimony saved lives. KERRY and other veterans who marched in D.C. in 1971 exercised the same patriotism that drove them to serve their country in the battle in Vietnam. They had fought for liberty and freedom of expression for the Vietnamese, and they returned to the United States to stand up and be heard. His actions should be praised, not scorned.

MESSAGE FROM THE PRESIDENT

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

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BURNS). 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.

BUSH'S WAR ON ENVIRONMENT

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

Mr. MCDERMOTT. Mr. Speaker, we see the Iraq war in the newspapers every morning and on the television every evening, but we are not seeing reports on the administration's undeclared war on the environment.

It is a war. It is being fought on our own soil, and the polluters are winning. This Earth Day this administration has launched a full frontal assault on the environment. The assaults include the air we breathe, the water we drink, the land we cherish, the fish in the sea and the people themselves.

I am a doctor. My medical training and experience taught me you have to treat illness by curing the problem, not by treating the symptoms. This administration does neither. We could write a prescription, but it will not be filled while this President is in office.

Air pollution shortens the lives of thousands of Americans, and air pollution worsens the lives of millions more. Breathing polluted air is bad enough when you are in good health. It can be catastrophic when you suffer from any one of a number of respiratory illnesses.

When I was a kid, I had asthma. It is a respiratory illness which can clog or even close the bronchial tubes which carry air to the lungs. In other words, asthma can impair the ability to breathe. In severe cases, asthma can be life-threatening and require immediate medical attention. An asthma attack can be triggered by smoke and by environmental pollution. And we have seen the enemy, and it is the administration.

The environmental pollution this administration has let loose on America saves the polluters millions of dollars, but costs individual Americans dearly. Do not take my word for it. Ask anyone with asthma or any other person with a respiratory condition in this country.

Respiratory problems are just one area of medicine impacted severely and negatively by pollution. There are others, from skin disease, to chronic allergy, to a host of medical problems hurting Americans, young and old. Polluters have poisoned water supplies. They have contaminated rivers and streams. And worst of all, they are getting away with it. They are changing the rules.

This country is more in danger at 5 o'clock on Friday than at any other time environmentally during the week because that is when the administration puts out the new regulations under the radar, no press conference, no anything, just give the polluters an open door. They invite them to secret meetings to craft America's energy policy. This administration does not look the other way. Instead they hold fund raisers.

The President cannot remember making a mistake the other day on television. I cannot remember the President doing anything right about the environment. The record is that abysmal. And unless we change administrations this November, it will only get worse.

In my home State of Washington, it takes committed local organizations like the People for Puget Sound and others to monitor the regulators. In my home State of Washington, we now fear new environmental actions Republicans openly hint about that may harm or kill whales, porpoises and dolphins.

No one and nothing is safe from the undisclosed war of this President on the environment. Now, whales cannot vote, but we can. Porpoises cannot vote, but we can. Dolphins cannot vote, but we can. Children cannot vote, but we can. Lakes and streams cannot vote, but we can. The Arctic National Wildlife Refuge cannot vote, but we can. The water, the air, and the Earth cannot vote. We must vote on their behalf.

This is Earth Day. Sadly, the Earth is in grave danger, much greater than it was in 1970s when this first was put on the calendar. We know who was responsible, and we know why. It is all about money, about greed. Energy producers are saying, we cannot clean up the air.

In the President's own State, the major city is one of the most polluted in the country. When he was Governor, he did nothing. When he is President, he does nothing. Houston might as well not have a President or a Governor.

We must save the planet before it is too late, and the sand is quickly flowing out of the hour glass. Today is the day we decide to vote for the planet and vote this President out of office in November.

CHILD ABUSE PREVENTION MONTH

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

Mr. MURPHY. Mr. Speaker, April is Child Abuse Prevention Month. It is an important time to focus on how we can deal with this painful and preventable scourge on America's children.

It is estimated that a staggering 896,000 children were neglected or abused in the United States in 2002, approximately 12 out of every 1,000 children. In 2001, there were 1,300 deaths from neglect or abuse, but some estimate that half the deaths from neglect go unrecorded. And although cases of abuse have dropped slightly since the 1990s, the number has remained alarmingly steady in recent years. Most times the abuse is from a parent, and there is abuse at all income levels.

The effects go far beyond the immediate and obvious impact. There are long-term consequences that include developmental delays, learning disorders, aggressive behavior and depression. Now, these consequences do not just affect the individual, but they effect society as a whole. Survivors are at a greater risk later in life to abuse their own children.

State, Federal, and local governments, human service agencies, schools, faith-based groups and health care facilities have a stake in helping to prevent child abuse. These groups can all work together with combined resources to improve protective factors such as parenting skills and attitudes.

At the same time by working together they can reduce risk factors such as parent depression, caregiver stress and children's behavior problems. These risk factors are critically important because they can precipitate the rage that leads to abuse.

It is well worth noting that this is not just a problem of poverty, but all walks of life. This is not the family in the other part of town. This is our neighbors next door, down the street, or around the corner. This is not someone else's problem. This is all of our problem.

Now, there have been positive accomplishments by those who work at the Federal level, notably passage of the Child Abuse Prevention and Treatment Act, but we cannot solve the problems of child abuse by laws alone. And there is an alarming lack of coordination among the Federal agencies that are already in place to prevent and treat victims of abuse. When one considers the fact that there are 33 offices, agencies and bureaus in the Federal Government that deal with child abuse, added to the fact that there are a staggering 46 separate streams of funding, it is a wonder that anything gets accomplished.

The old cliche, the left hand does not know what the right hand is doing, may well fit here.

The Federal Government cannot single-handedly stop child abuse, but it can provide valuable tools to assist those working to save our families and our children. Right now, however, the system is splintered, disjointed and sometimes ineffective.

□ 1700

Next month the Committee on Government Reform will hold important hearings on cleaning up the Federal Government's approach to preventing and treating child abuse; but with a steady 900,000 cases per year, despite the millions and millions and millions spent by the Federal, State and local government, it is clear the current approach is failing.

We must streamline these agencies and funding streams. We cannot just preach a proactive approach to stopping child abuse. We must also set the example. The most direct way to end child abuse is to stop it before it starts. Prevention and early intervention is the key.

Community-based programs have shown positive improvements by utilizing a proactive approach that includes improving parenting skills and attitudes, as well as reducing risk factors such as parental depression, caregiver drug use, caregiver stress, and children's behavior problems. President Bush's fiscal year budget proposal shows a commitment to helping our children by doubling funding for two critical funding programs, money that provides funds to States.

It is also imperative that we streamline the Federal system and ensure that money being spent is utilized effectively in programs that work.

We owe our children nothing less than the right to feel safe in their own homes with their own parents. It is a duty that is a responsibility and a moral obligation that we all share. We must do our part here in Washington.

I call upon all Americans to take an active role, to open their hearts to America's hurting children. I call upon all Members of Congress to recognize that of all the things we do, of all the things we do, stopping the pain, stopping the rage against our innocent children could indeed be the most courageous and noblest task of all.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to replace the gentleman from Maryland (Mr. WYNN), the next speaker.

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

There was no objection.

EARTH DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize and celebrate the 34th annual celebration of Earth Day. I have a long-standing commitment to conservation and environmental protection, as well as to peace and justice; and I am pleased to join in today's celebration.

Earth Day festivities take place all across the country. I would like to pay special tribute to my constituents in Dallas, Texas, who are so active in their support of environmental issues.

I would like to give special recognition to TXU under the leadership of Mr. Earl Ney, who has shown a great deal of sensitivity in correcting many of the environmental damaging fumes from their electrical power plans, and to Mr. Stavely of Irving, Texas, who led the dry cleaning industry into taking a responsible position of establishing a State fund to share in cleaning up industrial waste.

The city of Dallas will recognize Earth Day on Friday with a celebration of live entertainment and educational exhibits. I would like also to pay tribute to Bonnie Bowman, a north Texan, who has championed a host of environmental causes from clean air and water to recycling and tree preservation. Those efforts have garnered her special recognition this Earth Day in the form of an environmental awareness award from the League of Women Voters, and Trammel Crow who back over the years planted many trees back along the highways.

In 1963 following President Kennedy's death, the Nation was reminded of his words he had spoken the year before: ''Never have the nations of the world had so much to lose, or so much to gain. Together we can save our planet, or together perish in its flames. Save it we can, and save it we must.'' We must ensure that diversity of life on Earth and enrich the quality of life now and for future generations.

Today, however, many of the environmental gains of the past 34 years are under attack or have been rolled back. The Clean Air Act and the Clean Water Act have been weakened. EPA enforcement funds have been cut. The ''polluter pays'' principle for cleaning up toxic waste sites has been abandoned. Mining and logging on public lands have increased, protection from wilderness areas has been removed, and attempts are being made to open up the Arctic National Wildlife Refuge for oil drilling and weaken protections for the California coast.

Mr. Speaker, Texas is already the Nation's mercury hot spot, and our children should not be suffering from the toxic exposure. Texas leads the Nation in mercury pollution from coal plants. Nineteen coal-burning plants spew out nearly 9,000 pounds of toxic mercury per year in Texas. Coal waste contains mercury that can leach into the waterways as well. Utilities, the largest source of mercury, 34 percent, are the only industry unregulated for this dangerous pollutant.

I consider environmental protection to be a national priority. I pledge to work with my colleagues to ensure the preservation of our natural resources and the protection of the public's health. Today, as we celebrate Earth Day, let us reaffirm our commitment to a cleaner and more peaceful world.

SCIENCE AND ENGINEERING INDICATORS 2004 REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Science:

To the Congress of the United States:

Consistent with 42 U.S.C. 1863(j)(1), I transmit herewith a report prepared for the Congress and the Administration by the National Science Board entitled, ''Science and Engineering Indicators—2004.'' This report represents the sixteenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 22, 2004.*

HONORING SPECIALIST JUSTIN JOHNSON

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

Mr. GINGREY. Mr. Speaker, today I rise to pay tribute to the life of a true American hero, Specialist Justin Johnson from Floyd County, Georgia. Specialist Johnson was killed in action on April 10, 2004, when he was hit by shrapnel from a roadside bomb in Iraq. He is the first soldier from Floyd County to fall in our effort to free the Iraqi people.

Like countless others after 9/11, Justin felt called to serve and protect his country, so he enlisted in the Army. Prior to enlisting in the Army, Justin worked construction with his father, Joe, who was himself a retired soldier. By enlisting, Justin proudly followed in the footsteps of his father and his older brother, Josh, who is currently stationed at Fort Bragg, North Carolina. Like his father, Justin was a forward artillery observer.

On April 10 Justin had only been in Baghdad 8 days when he was riding gunner on a Humvee and paid the ultimate price. His mother received word of his death when she returned home from church on Easter Sunday and just 2 weeks after undergoing major surgery. The news came to her as her husband, Justin's father, was joining a National Guard unit in Washington State that was preparing to deploy to Iraq so as to be with his son in the defense of our Nation. As they had earlier on the construction site, Justin and his father would have worked together, worked in the rebuilding of Iraq and assuring their freedom and protecting the world from terrorism.

I recently had the opportunity to visit with Mr. and Mrs. Johnson, and I was moved by their reaction to this tragic event. When I spoke to them, all they could say was that their loss had only made them more resolute in their conviction about the rightness of this war; and Mrs. Johnson was especially vocal about how America's efforts have given her, and all Americans, a freedom from fear. Mr. and Mrs. Johnson remain firm in their support of President Bush's stand in Iraq and declared that he is a ''true man of God.''

At Specialist Johnson's funeral, when a bugler began to play taps and the honor guard fired a rifle volley, Joe Johnson saluted his son for the last time as they laid him to rest. Justin was posthumously awarded a Purple Heart and a Bronze Star for his heroic service.

Mr. Chairman, this is a proud American family giving all that they have to their country and more. Mr. and Mrs. Johnson are to be commended and honored for their sacrifice, and my thoughts and prayers remain with them as they endure this difficult time.

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 Indiana (Mr. BURTON) is recognized for 5 minutes.

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

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask to take the time of the gentleman from California (Mr. FILNER).

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

There was no objection.

CYPRUS

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, 2 days from now the people of Cyprus will take a historical vote on the future of their country, voting on a referendum finalized several weeks ago by U.N. Secretary General Kofi Annan.

Secretary General Annan has dedicated a great deal of time over the past couple of years to finally resolving the 30-year Cyprus problem. He has been extremely patient in dealing with the intransigence of Turkish-Cypriot leader Rauf Denktash, intransigence that continues to this day.

Having met with the Secretary General last month, I have no doubt that he understands the concerns of both the Greek Cypriots and the Turkish Cypriots; but unfortunately, his final plan unfairly benefits the Turkish side and does not achieve the goal of truly reunifying the island nation.

Mr. Speaker, I have serious reservations about the final Annan plan because it forces the Cypriot people to put too much faith in the Turkish Government. When Cypriots go to the voting booth on the 24th, they are forced to take the Turkish Government at its word that the Turkish parliament will ratify the treaty. The Cypriots are forced to take the Turkish Government at its word that occupied land will be returned to its rightful owners 3 to 5 years down the line, and the Cypriots are forced to believe that Turkey will remove its troops according to the timetable in the Annan plan and are forced to deal with the fact that Turkish troops will remain in Cyprus forever with Turkey having the unilateral right to intervene at any time.

I am afraid, Mr. Speaker, the final Annan plan gives Turkey too much opportunity to either delay or not implement critical property and security issues in the years to come.

When I met with the Secretary General, I strongly recommended that the U.N. maintain a presence on the island as long as the Turkish Army remains. The Secretary General assured me that U.N. forces would remain on Cyprus for a considerable amount of time, but his final plan allows Turkish troops to stay indefinitely without an international presence; and I find this simply unacceptable. I am extremely worried about the actions Turkish troops might take with the absence of a neutral international presence to keep them in line. I am also concerned that Turkey will not abide by the final agreement and its troops will contribute to further instability and insecurity.

Over the next couple of weeks, the people of Cyprus will carefully analyze this plan and determine if it provides the best framework for the island nation to enter the European Union united. This is their decision alone, and outside forces should not attempt to scare or threaten them into voting a certain way. Whatever the outcome, it is important the international community and the United States honor that decision and work to ensure Cyprus's future remains bright.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of turn.

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

There was no objection.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, over 700 Americans have given their lives for the war in Iraq, a conflict with no end in sight. That number does not take into consideration the report the Pentagon just released stating that over 18,000, 18,000 soldiers have been evacuated from Iraq for medical reasons, nor does it take into consideration the billions of dollars the United States has spent to date on this conflict or the international goodwill we are squandering.

We were told that this war was necessary to keep us safe. We were told last November that by sending another $87 billion for military operations and reconstruction, on top of just a few months earlier $78 billion for the same purposes, that Iraq would be in better shape and that our soldiers across the world would have the support that they need.

The fact is, even after Congress approved $155 billion in supplemental spending bills, Iraq is not in better shape; and many of our troops in Iraq still lack the equipment that is essential for their survival: body armor capable of stopping bullets; armor for tanks that will help prevent the destruction of U.S. military convoys; and the necessary water equipment to keep them hydrated in the desert heat.

□ 1715

Under the Bush administration, the annual Pentagon budget has grown from $310 billion in fiscal year 2001 to $420 billion in fiscal year 2005, an increase of 35 percent in just 4 years. At the same time the United States spends outrageous amounts of money on outdated weapon systems, America's contribution to U.N. peacekeeping missions has suffered a 6.5 percent cut, despite the fact that several critical peacekeeping missions will be launched in the coming year.

There has to be a better way, and there is, one that emphasizes brains instead of brawn, and one that is consistent with American values. I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for sensible multilateral American response to terrorism.

We need to shift our budget priorities so that they reflect the true security needs of the American people instead of spending billions on new bunker-buster nuclear weapons and the President's beloved missile defense system, which would not provide an effective defense against a full frontal missile attack in the first place.

SMART security calls for stronger and smarter investments abroad in peacekeeping and conflict prevention programs and at home on homeland security and first responders. SMART security means creating a permanent postconflict unit that provides the first layer of reconstruction in countries that have been devastated by war and/or by oppressed dictators, like Iraq and Afghanistan. And SMART would mean funding all Army peacekeeping units devoted to studying and preparing for future peacekeeping missions. SMART would develop a real strategy for energy independence because nothing threatens our national security more than our dependence on Middle Eastern oil.

The Bush doctrine has been tried, and it has failed. It is time for a new national security strategy. SMART security defends America by relying on the very best of America, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

SMART security is tough, pragmatic and patriotic. SMART security is smart, and it will keep America safe.

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

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

HOLOCAUST MEMORIAL AND REMEMBRANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I am here on the floor to talk about an extraordinary event that took place in our Nation's Capital today and what it signifies to me.

I attended the Holocaust Memorial and Remembrance Program that took place in the dome of the United States Capitol. I was struck by two different feelings as I sat there and I listened to one extraordinary remembrance and speech after another. The first was, of course, that feeling that always startles me; that man's inhumanity to man knows no bounds, and that a mere 60 years ago 6 million Jews were exterminated throughout the world. Their only transgression was the fact that they were Jewish.

I was also struck by the incredible fact that 60 years after this most heinous episode in our civilized world's history, that there we were, generation after generation after generation of survivors, those that survived, their children, their grandchildren, and their great-grandchildren, all gathered under the dome of the United States Capitol, the very seat of power, the most important and strongest Nation in the world. And here we have a seat at the table where we are welcomed, where we are valued as citizens, and where we have an opportunity to participate in our government as we have never been able to participate before. Here we gather not only to remember those that lost their lives in the Holocaust, but to ensure that something that happened 60 years ago could never ever happen again.

I am second-generation American. My grandparents walked across Europe to come to this country. My mother's side of the family comes from Salonika, Greece. Prior to World War II, prior to the Nazis, there were 80,000 Jews in Salonika. By the time the Nazis finished, there were merely 1,000 left. I am not presumptuous enough to think I would have been among the 1,000 selected to live.

On my father's side, the Russia-Poland side, there were no towns, no Jews. Hundreds and hundreds of years of a rich culture and civilization obliterated, exterminated in the course of the Second World War.

When my grandparents came to this country, they could not speak the language, they had no money, they had no skills, but they had a dream, and that dream was that their children and their children's children would lead a better life here in the United States than they had where they came from. My grandparents, who could not speak English, have a granddaughter who serves in the United States House of Representatives. It does not get better than that.

Last year, I had an opportunity to go back to Greece, back to Salonika to meet with the 1,000 Jews that survived and their children and grandchildren. I was there to help rededicate the Holocaust memorial, and I remember standing there in a beautiful plaza with Greek Orthodox and Jewish Greeks knowing that if my grandparents had not gotten out when they did, that memorial would have been to them, and I would not exist.

So for those who organized this extraordinary day of remembrance, to all those that spoke, to everybody that participated, and to all our fellow countrymen, let me give you a hearty and heartfelt thank you for giving me the opportunity I have to live in this incredible country, but also tasking me with a responsibility that future generations of our world citizens will never, never have to go through what this world went through 60 years ago.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. CUMMINGS 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 Washington (Mr. INSLEE) is recognized for 5 minutes.

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

EARTH DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, it is an honor to be here this evening on the 34th anniversary of Earth Day. Now, the pollsters tell us that the environment may not be the very first thing that springs to people's minds when asked about the most important issues of the day, but we find that when you probe just a little bit, it is clear that that really does not give the whole picture, because the environment is more than just an issue, it is an umbrella, it is an overview, it is a prism through which Americans see the things that touch their lives most intimately.

When you get those Americans starting to talk about what matters to them most, we hear things like clean air and clean water, a secure energy future, a quality of life for their families. In dealing with the children, one in four admissions, we know in urban areas, are for children with respiratory problems to emergency rooms. When you start Americans down that path, they do not stop talking about it.

If we look at the hundreds of millions of dollars that State and local communities have voted to increase their money spent on water quality and open space, in community after community we see demonstrated concern and action at the local level.

One of the things that characterized the first Earth Day and the activities that followed it was a bipartisan spirit of commitment to improving environmental quality overall and in very specific terms in communities across the country.

I am proud to spring from an Oregon tradition that was decidedly bipartisan and environmental. My first governmental position was an appointment by then-Governor Tom McCall, a legendary Republican in our State, to the Livable Oregon Committee. I was privileged to serve in the Oregon Legislature a third of a century ago when we enacted the first comprehensive land use planning legislation of any State in the Union, and it was the product of bipartisan leadership and concern. On the Federal level, the Clean Air Act and the Clean Water Act were enacted during Republican administrations with bipartisan leadership.

Unfortunately for our success in protecting the environment, on this Earth Day we are seeing that the bipartisan tradition of environmental leadership is being abandoned for short-term political advantage catering to powerful special interests. We can take, for example, the sad saga of President Bush's efforts to weaken the Clean Air Act, documented in a fascinating article in The New York Times Magazine 3 weeks ago.

But it is something that Members of this Congress are familiar with, as we have struggled with this administration under the New Source Review Program, which was requiring old power plants to install pollution controls. Instead, this administration has radically transformed the Nation's Clean Air Act quietly, trying to do it under the radar screen by way of regulatory changes and bureaucratic detectives. And now, older polluting power plants that should have been cleaned up decades ago have been given essentially a free pass, allowed to continue to spew forth harmful pollution and global-warming gases into the air.

Mr. Speaker, it is frustrating to the extreme to see what is happening in terms of global climate change. The administration has been challenged just 2 weeks ago by the Union of Concerned Scientists, a group of 60 scientists, including 20 Nobel laureates, who are concerned about how this administration is turning science on its head, shifting, changing, and obscuring, when, in fact, the role of science should be one that is a constructive one to help us promote environmental protection.

We are seeing at this point the situation where these environmental threats are increasing on the global scale, in terms of global climate change, global warming. We have a generation of Americans today who may be the first generation where there will be no glaciers in Glacier Park, and who may witness the eradication of polar bears in their natural habitat.

But it is not an obscure activity that is going to occur in remote reaches of wilderness or in the Arctic netherland. No American is immune to the deadly consequences of the actions of the last 100 years of assaulting our environment and our government's inaction in some of the simplest common-sense steps.

□ 1730

No one in America will be immune from global warming. It is not just the disappearance of permafrost in areas of the Arctic tundra, the buckling of roads and the erosion of coastline we are seeing in our 49th State, it is the increasing temperatures, rising ocean levels, extreme weather events, and storm surges in coastal areas put all Americans at risk.

We are a rich country, and much of our territory is in temperate areas. Imagine what will happen in poor countries around the world already prone to drought, or to tens of millions of poor people in Bangladesh that will be threatened with drowning by rising sea levels and storm surges.

But there is good news for us to consider on this Earth Day, and a growing consensus of Americans across the country, contrary to the approaches of this administration. They want us to take simple, common-sense steps today to clean up the air, slow global warming and protect our public lands. One simple step is simply to keep in place the Clean Air Act and Clean Water Act and other landmark legislation. We have hundreds of Federal rules, regulations and efforts at rollback that demonstrate that we are actually having initiatives by the leadership in this Congress and by the administration for environmental activities that, rather than making the air cleaner, the water more pure, will actually put us at risk.

Today we need to stick to some of the fundamental underlying environmental legislation we have got. It will be a cleaner America, a healthier environment than if we were to follow some of the so-called reforms of this administration.

Another critical step is to reduce our dependence on fossil fuels. The reality is now that our best estimates are that U.S. production of oil is going to peak in 2008, and there will be a decline of 18 percent over 20 years. It is not happening because of environmental protections, it is because we simply do not have enough oil. However, according to the Energy Information Agency, we are going to be skyrocketing in terms of demand, over 40 percent in the next 20 years, which will increase our demand on foreign oil. Under the current situation, placing our reliance on unstable areas is simply not a good strategic undertaking.

I am pleased that the likely standard-bearer for our party, Senator JOHN KERRY, has put on the table a wide range of environmental initiatives, including fuel efficiency for automobiles, one that could be good for the American consumer, for the environment, and indeed for our auto industry.

Right now there are three alternatives for the American consumers who want hybrid vehicles, but they are, sadly, all Japanese. General Motors has announced it is bringing pickups on the market that will improve gas mileage, but that is the tip of the iceberg. There is far more we can do.

I am pleased that I have been joined by a number of colleagues here who have ideas to lend to this discussion this afternoon, but I want to just put on the table the notion that the most important thing the Federal Government can do for new initiatives is to model the behavior it expects of other Americans. If the Federal Government would simply clean up after itself, establish high standards for the hundreds of millions of square feet it has in offices, the tens of millions of acres that it manages, its vast enterprises, it could have a transformational effect. There are opportunities to discuss this further, but I want to turn to some of my colleagues that are here.

I note I have been joined by the gentlewoman from the District of Columbia (Ms. NORTON), who is charged with one of the most difficult tasks in Congress, and that is providing a representation for the people in the District of Columbia, who, although they are taxed, although they are under the control of the Federal Government more than citizens of any State in the Union, they have not been graced with the opportunity of a voting Member of Congress. I must say it is astounding the work that the gentlewoman from the District of Columbia (Ms. NORTON) does in terms of providing leadership on a wide variety of areas, and not the least of which has to do with the environment.

I have visited with the gentlewoman in areas around American University where we are still struggling 85 years after World War I with the consequence of failing to clean up after ourselves with the chemical weapons that were tested inside the District of Columbia. The gentlewoman is fighting for a wide variety of interests.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON) to discuss the impacts that she is facing in the District of Columbia and some of the noteworthy efforts she is leading.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for his many interests here, in his district, and throughout the Nation. The fact is that people in the District are living with the aftermath of munitions that were buried after World War I, which is not very pleasant, particularly when they pay some of the highest taxes in the United States. I agree with the gentleman that if the Federal Government would simply set an example by cleaning up after itself, more of the rest of America would be likely to follow.

One example I have been able to get into a recent bill which has passed the House is for the Federal Government to use solar energy in its own buildings. There is $60 million for 5 years for that to occur.

I also see that the gentleman from Oregon has a bike pin in his lapel, and I must state what a wonderful steward of the environment the gentleman has been, how much his leadership is appreciated there, not only with his signature issue, livability, but the gentleman's across-the-board leadership on environmental issues. It stands to reason that the gentleman from Oregon would be leading this Special Order today.

This is Earth Day, and we come to the floor today, as many of us do on many other occasions. It may be Earth Day, but part of talking about the Earth is talking about water, so I want to talk about the Safe Drinking Act and the Clean Water Act at a time when Members may be imbibing lead as they drink the water at their workplace, the Congress of the United States. The water that we drink, and we are served water where we eat, when we go into committee, there is always water there, and we drink some of that, that water comes right out of the faucet, and we have to think about what that means. If it were only a District of Columbia matter, I would not be raising it on Earth Day, but the Safe Drinking Water Act is being violated all across the United States. I want to alert Members on this Earth Day to what it seems to me each of us should be doing to ensure that we have safe drinking water.

One of the great dividing lines between developing and advanced societies is safe drinking water. When you come to the District of Columbia, you should not have to ask: Is the water safe to drink here? I suggest anyone who comes in fact asks that question, and that is a question that needs to be asked in your own jurisdiction as well when you consider what has happened to the District of Columbia and what it has exposed about safe drinking water.

I am not sure what side our country is on when it comes to the dividing line between countries with safe drinking water and countries without, but it was surely a wake-up call when we learned that there was lead in the water of the Nation's Capital.

The reason this is a matter of national concern is because two Federal agencies control the water here. The Environmental Protection Agency does the same for the District of Columbia as it does for the Nation. If we want to talk about stewards of the environment, the Environmental Protection Agency would not be included there. Of course, it does double duty here since it acts as our State EPA as well as the watchdog Federal EPA.

It gets worse. The water here is purified by the Washington Aqueduct. That is run by the Corps of Engineers, and that is because they built it more than 100 years ago. We have learned that the Environmental Protection Agency signed off on public notice that there was lead in the water a year after it was found, and so buried so nobody knew about it or could have discovered it. Can Members imagine how many pregnant women and small children at developmental ages have been drinking that water without knowing it? That is the kind of environmental crime that the Safe Drinking Water Act was passed to avoid.

The EPA signed off on the public notice, or I should say the lack of public notice; but the problems are more fundamental. The problems are with the very basics themselves. All of the regulations that the EPA has us living under, any good on this Earth Day we should ask ourselves, and does the EPA enforce them? On the basic science, we do not know how much lead is harmful or not. Why are we this long in finding out? We know how much is harmful for young children, but public health officials tell us that lead is harmful for people as old as you and me, Mr. Speaker, but we do not know what the amount is, and nobody has funded the science to find out.

When it comes to enforcement, what the Environmental Protection Agency tells us is they should test for lead, and if they find lead, they keep testing. So what they do is they keep testing until they dilute the findings, and then they do not have to clean up the water at all. This is a public health catastrophe. Every jurisdiction is supposed to be doing this. WASA kept testing, hoping to dilute the results it found so as not to have to remove lead pipes. It backfired on WASA because it found more, not less, lead.

We are living with bad science, wrong assumptions. Even in the 19th century when the service pipes in the District of Columbia were built with lead, there was an outcry that it was unsafe to use lead service lines. That is more than 100 years ago. They knew that. That is what we have today.

So we are told when you do find that there is lead in the water, you have to do partial replacement; that is to say replacement of the lead service lines in the public part of the area. We learned in hearings if you do this partial replacement, and the line on private property is left there, it can be worse because apparently the partial replacement acts as a battery to whatever remaining lead is there, and the problem worsens.

They switched chemicals from chlorine to chloramine. We think that may have caused the corroding of lead into the water. Now, when we see problems like that, the people who purify the water may have made it worse by switching chemicals because they did not do the right tests, and the Environmental Protection Agency does not begin to know how much lead is bad or good and lets you keep testing until you do not have to, in fact, remove lead lines at all. I suggest that on this Earth Day we go back to basics when it comes to safe drinking water and start all over again and rebuild the regulatory basis of the Safe Drinking Water Act.

Finally, let me say the Clean Water Act is another great achievement of this Congress. More than 30 years ago we cleaned up the Potomac, but there is another river that lies within 2,000 yards of the Capitol dome, the Anacostia River, which is utterly polluted. Some of that pollution comes from the fact that there was a naval gun factory; but today, more of it comes from underground sewage and storm water conveyance systems that are over 100 years old. I am trying to have that fixed. It will cost $1 billion, but if we get $100 million every year, we will clean up the Anacostia River, we will do a lot for the Chesapeake Bay, and do a lot for the drinking water here in this area.

I am very pleased to name the cosponsors of this bill in this region. The gentleman from Virginia (Mr. MORAN), the gentleman from Maryland (Mr. WYNN), the gentleman from Maryland

(Mr. VAN HOLLEN), the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. TOM DAVIS), and others from this region are coming on, the gentleman from Pennsylvania (Mr. FATTAH), for example. Virtually all of the Senators from this region are on this bill. It is time we stepped up and did for the Anacostia River what we did for the Potomac River 30 years ago.

□ 1745

I appreciate the time the gentleman from Oregon (Mr. BLUMENAUER) has given me to discuss water on this Earth Day, for it reminds us that Earth Day is about the entire environment. And when we say the Earth, we mean the Earth, we mean the water, and we mean the air. I thank him very much for his leadership once again.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentlewoman for her comments and for her leadership. I hope that I will see the time here in Congress where the Anacostia becomes a model for the country in the backyard of Congress about how to do it right after, as she says, decades of abuse.

I yield to the gentleman from Arizona (Mr. GRIJALVA), who has been one of the most forceful voices in his short time in Congress for speaking out for the preservation of the environment, somebody who is deeply concerned and has focused in on what is happening with the rollbacks and somebody who comes from a State that is facing some of the most unique environmental challenges that he has been a leader in long before he came to Congress.

Mr. GRIJALVA. Mr. Speaker, I thank the gentleman very much for yielding. I appreciate the opportunity.

Mr. Speaker, I rise today on this Earth Day to comment that while our Nation is distracted by war and terrorism, the Bush administration has systematically and methodically been dismantling our most fundamental public health laws such as the Clean Air Act and the Clean Water Act; but the people of America and in my community, in addition to wanting peace and security in the world, also want a clean and healthy environment for themselves and for their children to live in.

On this Earth Day we state clearly, and I want to repeat, we state clearly that Americans want and deserve clean air to breathe, clean water to drink, and natural places to experience. We want our most special lands like our national parks to be cared for so they can be enjoyed by future generations as we do today.

But the test results are in, and it is official. The George W. Bush Presidency is the worst environmental Presidency in the history of this country. From our urban areas to our national forests, the Bush administration is sacrificing our health, our environment for the benefit of corporations. Communities of color continue to suffer disproportionately from Bush's policy to lower air and water quality standards and to gut funding for Super Fund cleanup programs, which impact communities across this country.

Our constituents are eating mercury-tainted fish, drinking lead-tainted water, living near toxic contamination sites. Our national parks are deteriorating. Our national forests and public lands are being opened up for polluting uses like oil and gas development, mining, and logging. Meanwhile, the administration disputes that global warming exists and refuses to take steps to address this growing and imminent threat.

This administration is, to say the least, industry-friendly. But we also want one that is Earth friendly. We do not have to sacrifice our economic future for a healthy environment. We can have both a healthy economy and a healthy environment.

We Democrats in Congress are fighting for our environment. My colleagues have fought to keep oil drilling out of the Arctic, to ensure that polluters clean up their messes, to prevent our forests from being clear cut for profit, to keep our air and water clean. We have called for comprehensive and sensible energy policy that does not reward the polluting industries with massive subsidies, but enhances opportunities for renewable energy sources.

As we reflect on the Earth's environment on Earth Day, let us not forget that we have only one Earth to live on. Let us keep our environment and our families healthy by fighting for the protection of our air, water, and land. America's environmental laws have succeeded in improving people's health and lives. Let us continue that legacy by protecting what we have gained and enhancing what we still need to gain.

On this Earth Day, at stake for all Americans is the very essence of what makes us unique as a country and as a people: our land, our people, and our public places. At stake is our public health. At stake is the protection of our natural resources. At stake is a legacy that we all share in, a shared legacy and responsibility about protecting our environment and protecting the health of our people.

The record of the Bush administration on rollbacks of protections and giveaways to special interests is a destruction of that very essence and that legacy. I think the people of America deserve much more. They deserve a country that values its people, protects its environment, and assures that we protect the very essence of what makes us different as a country.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Arizona (Mr. GRIJALVA) for his statement, and I appreciate his eloquence in terms of looking at the big picture and the impacts that people are facing.

The gentleman from New Mexico (Mr. UDALL), his fellow Southwestern colleague, has himself a rich family tradition dealing with these issues and continues that on the Committee on Resources today and being a vigilant spokesperson on a wide range of environmental issues.

I yield to the gentleman from New Mexico if he has some comments to share with us this evening.

Mr. UDALL of New Mexico. Mr. Speaker, I thank my good friend from Oregon for yielding, and I thank him for leading this Special Order. I would like to say that his leadership in this Congress has been exceptional when it comes not only to sustainable communities and making sure we build up the quality of life in our communities but it is also, as we see by the bicycle on his lapel, a good solid balanced approach to transportation and transportation systems and realizing that bicycles and modes of transportation other than automobile traffic are very important to our communities. I thank him for that and thank him for his leadership.

In hopes of keeping our public lands as beautiful and as productive as possible, I would like to offer a few thoughts concerning recent changes to our National Forest Management policies. National Forest Management plans were first conceived by Gifford Pinchot, the first United States chief of the Forest Service. He was a Republican like the President at the time, Teddy Roosevelt, who thought that we should organize the country's forests into a National Forest System that we now know today as our vast system of national forests.

Pinchot was initially led by the utilitarian philosophy as of ''the greatest good for the greatest number.'' In guiding the management of the national forests, he later appended to that statement ''in the long run'': ''The greatest good for the greatest number in the long run.'' Because he recognized that forest management consists of long-term decisions in protecting the resources.

By the end of 1910, at the end of Pinchot's term, there were 150 national forests covering 170 million acres of land. And he wrote about the U.S. Forest Service and what he was trying to do, and he said ''not a single acre of the government, State, or private timberland was under systematic forest management anywhere on this most richly timbered of all continents . . . When the Gay Nineties began, the common word for our forests was 'inexhaustible.' To waste timber was a virtue, not a crime. There would always be plenty of timber . . . The lumbermen . . . regarded forest devastation as normal and second growth as the delusion of fools . . . And as for sustained yield, no such idea had ever entered their heads.''

He went on to say: ''Without natural resources,'' and this was when he was really talking about his idea of conservation and good stewardship, ''life itself is impossible. From birth to death, natural resources, transformed for human use, feed, clothe, shelter, and transport us. Upon them we depend for every material necessity, comfort,

convenience, and protection in our lives. Without abundant resources prosperity is out of reach.''

Such was the philosophy that guided the management of our national forests at the beginning of the 20th century.

The beginning of the 21st century is a far different story altogether. Republicans are still in control, but they have abandoned bipartisanship, wise stewardship. Under the warm and fuzzy name ''The Healthy Forests Initiative,'' the Bush administration is proposing an agenda that includes sweeping changes to the management of our National Forests, cutting people out of the process of participating and commenting on forest plans. The first assault came only weeks after the Bush administration took office when they chose to put on hold all the proposed regulations that had been developed by the previous administration. Those regulations were the results of years of efforts by an independent committee of scientists. Those new regulations were science- and ecosystem-based. They reflected the state-of-the-art knowledge concerning the management of natural resources.

One of the first things President Bush's new Assistant Secretary for Forests, Mark Rey, did was scrap all of these science-based, commonsense regulations. And in place of the science-based regulations encouraging conservation and protections, the new administration proposed regulations that reflect a wish list of the timber industry. Instead of ''the greatest good for the greatest number in the long run,'' the philosophy of this administration appears to be ''the greatest good for the special interests in the quickest time,'' using our forests for a few wealthy individuals.

We have been expecting these new regulations for a while, but now it seems the administration might be holding back, afraid to show their cards in an election year. They know the American people will not stand for a President who time and again sells off our public lands, our public trust, to the highest bidder.

The administration has succeeded in passing a law, the Healthy Forests Restoration Act, which has begun to codify some of their plans to sell, no, let me make that give away, our National Forests to the timber industry.

Other sections of the act give timber companies the right to log big trees from the backcountry. Taxpayer dollars are going to be used to build roads that will take these timber industries into the backcountry, to take trees that pose no fire risk to people, all under the umbrella of this reckless piece of legislation.

Healthy forests under this administration means healthy bank accounts for a fortunate few and barren hillsides for Americans and for the plants and animals and human beings that depend on truly healthy forests.

On Earth Day we would do ourselves the biggest favor by looking back 100 years and remembering the guiding philosophy of our country's first forester, ''the greatest good for the greatest number in the long run.''

And I would suggest that Gifford Pinchot, our first forester, and Teddy Roosevelt would say to the Republicans, Why have you abandoned the time-tested bipartisan solutions?

And with that I say once again to the gentleman from Oregon that he has been a great leader on these environmental issues, and I hope that we can continue to carry on these discussions and let the American people know that there are very important issues at stake on this Earth Day.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for his statement. We were just last night at the National Parks Conservation Association awards dinner, and we were reminded how these issues do not have partisan boundaries that are required, that it unites us as a country, that it spoke to opportunities that were different, hearkening back to the context that he offered up.

I am hopeful that we can embrace the spirit of the history that he has given us that will help guide and inform some of our decisions here, and I appreciate his leadership in trying to make that happen.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman.

Mr. BLUMENAUER. Mr. Speaker, I think it is appropriate, as we are referring to some history, we are joined by the gentleman from Wisconsin (Mr. KIND), someone I have been privileged to work with on issues dealing with water resources, the reform of some of the opportunities for the Corps of Engineers and how Congress works with the Corps of Engineers; and I note not only is he a leader in issues that deal with environment and uniting sports people of varied interests of his State but I think appropriate the legacy of that marvelous State of Wisconsin, and 34 years ago it was Senator Gaylord Nelson who helped launch us on this path.

□ 1800

Mr. Speaker, I yield to the gentleman for observations he might make that will help us focus on what we are celebrating here today.

Mr. KIND. Mr. Speaker, I thank my friend and colleague from Oregon for, first of all, taking time this evening for this Special Order to commemorate the 34th anniversary of Earth Day, and for the leadership he has shown on a variety of conservation and environmental measures that we have a chance to work on in the United States Congress.

But I want to take a moment to pay a special tribute and give special thanks to a terrific statesman, a former Governor and former United States Senator from the great State of Wisconsin, the father of Earth Day, Senator Gaylord Nelson.

It was his vision that led to the first Earth Day in our country over 34 years ago. During his maiden speech in the United States Senate, he came out with 11 specific proposals on policy changes that we needed to pursue as a Nation in order to enhance the protection and the quality of our environment and our natural resources.

He was one of the first public officials that recognized that economic growth and development could go hand in hand with the protection of our natural resources and the protection of our environment; that they did not have to be mutually exclusive.

But he also recognized that public opinion was way ahead of public officials in this area; that it was the policymakers that needed to catch up with where the American people were; and recognizing the value of doing a better job, of being the stewards of our lands and our water and our air that we breathe, the environment in which we raise our children; and it is to him we owe a debt of gratitude that can never be repaid.

This is a person who today if you talked to him, and he is still very active in the environmental field, working at the Wilderness Society here in Washington, delivering countless speeches every year, traveling extensively throughout the United States and parts of the world, who would probably be a little surprised to realize that last year, during the 33rd anniversary of Earth Day, there were hundreds of millions of people in over 180 countries all joining together to celebrate Earth Day, something that he gave birth to.

He is also someone that recognizes that there is still so much more work that needs to be done. He has been invaluable to me personally with the conversations that I have had, the privilege of going to him for advice, whether it is on work and how better to preserve and protect the Mississippi River Basin, what we can do to guard against the global warming phenomena, which generations, unfortunately, will have to wrestle with today, and the unfinished business he left when he left the United States Senate many years ago, which is our calling today.

There was a very good biography written about Senator Gaylord Nelson by a very talented former journalist and writer in Wisconsin, Bill Christopherson, entitled The Man From Clear Lake. That is the small town in which Gaylord Nelson was born and raised in. It is in northwestern Wisconsin, and it is small-town America. It is not too far from my wife's small town of Cumberland, where she was born and raised.

But Gaylord Nelson is living testimony to the idea that one person with a great idea can have a profound change in the direction of our Nation and of the world. It was that idea of what we needed to do in working together, those of us in decision-making positions, but also all of us as citizens of this planet of ours, what we can do working together to better preserve and protect the natural resources so we

leave a better legacy for our children to inherit.

I come from a State with a very proud legacy of giants, like Gaylord Nelson, like Bill Proxmire, like Fighting Bob LaFollette, that gave birth to the progressive tradition in this country. But there is no one who I have idolized with greater esteem or have greater admiration for than that man from the small town of Clear Lake, Wisconsin, Gaylord Nelson, and the idea that he gave the Nation and the world 34 years ago today in envisioning the need for Earth Day celebrations, and the constant reminder to us that there is so much that we need to do to protect our environment, especially during challenging days like today when, unfortunately, there is an administration in power that seems quick to roll back much of the progress and much of the achievement that has been made over the last few decades, rolling back provisions of the Clean Air and Clean Water Acts; releasing those 5 p.m. press releases from the Environmental Protection Agency on Friday afternoons when they think no one is paying attention or when people are starting their weekends or going to their Friday night dinners or whatever.

But it is up to us to shed light on what is taking place, and it is up to us to try to foster the bipartisan atmosphere in which we have to work in order to make great strides in this area.

So, again, I thank my colleague from Oregon for yielding me some time on this very special day and for the opportunity to pay tribute to a very special American, a great citizen, former Senator Gaylord Nelson.

Mr. BLUMENAUER. We appreciate your hard work and leadership in putting this spotlight on Senator Nelson.

We have been joined by the gentleman from Maine (Mr. ALLEN), who I note, no small note of irony, the President was celebrating Earth Day at a location that the gentleman and I have visited in the past in Wells, Maine, as we have been doing work environmentally. I did not know if the gentleman had any thoughts or observations based on that experience today in his district.

I would be pleased to yield to the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding and for his leadership. It is true, the President is today visiting the Wells National Estuarine Research Reserve up at the Laudholm Farms. The gentleman and I went there 2 years ago. We also went up a mountain nearby that is part of a project that people are trying to save some land.

Though we appreciate the President coming to Maine on Earth Day, it really cannot hide the fact that his record on the environment is one of probably the worst records of any President in my lifetime.

Let me give a few examples. He went today to the Wells National Estuarine Research Reserve. It is very clear when you look at the budget that the President has proposed, in light of the need for more research funds for marine-related research, he came because his budget proposes to increase funding for this tiny $16 million National Estuarine Research System by 3 percent. That is a 3 percent increase. So, this small program gets a reasonable increase, but it is the exception.

The reserve system is an important part of NOAA's Ocean and Coastal Management Program, which President Bush proposes to cut by 20 percent. The National Ocean Service is cut a whopping 35 percent. NOAA itself receives an overall 8 percent reduction.

The President proposes to reduce the budget of the EPA, the Fish and Wildlife Service and the U.S. Forest Service. He proposes to seriously underfund the National Park Service. He proposes to slash the Land and Water Conservation Fund that purchases Federal land for facilities like the Rachel Carson National Wildlife Refuge. As a result of Land and Water Conservation Fund cuts, the Fish and Wildlife Service received only $10 million this year for lands nationwide.

Maine, on the other hand, is investing more, renewing its commitment to bond funding for what we call the Land for Maine's Future Program.

A couple of other points. Mercury contamination is now a huge issue in this country. The EPA recently announced that twice the number of infants are born with high levels of mercury in their blood than they thought before. Now, 600,000 infants are born each year. The Maine Bureau of Health has a warning, and it reads as follows: ''Pregnant and nursing women, women who may get pregnant, and children under 8 should not eat any freshwater fish from Maine's inland waters.''

We have gone about the process of restricting emissions from our waste incinerators, and yet coal-fired power plants from across the country still emit 48 tons of mercury every year. It gets up in the air, it runs with the wind west to east, it comes down in the rain, it pollutes our waterways, it gets into our fish and is consumed by human beings.

But what is the President's record on mercury? He has delayed full mercury regulation from 2008 to 2030, submitting another generation of Maine children and children around the country to fish they cannot safely consume. We believe that what he has done is illegal under the Clean Air Act.

Really, Maine has taken the opposite approach, trying to regulate everything we can with respect to the mercury emissions that are within our control. It is just another contrast.

I happen to feel he came to Maine because Maine has a record as an environmentally-conscious State. But it takes more than a visit to my State to make you an environmentalist.

I will mention two other things quickly. Ozone pollution, Wells, Maine, where the President visited today has just been found to be out of compliance with the 8-hour ozone health-based standards under the Clean Air Act. Let me tell you, Wells, Maine, is not polluting the air. There is not enough manufacturing activity going on in Wells to pollute Wells or any surrounding communities. This is pollution that comes to our State from outside.

The President's action in this regard with respect to ozone pollution has been to undermine the New Source Review court cases filed by the Clinton administration that would have led to the most significant reduction in air pollution in recent memory, and he has issued new New Source Review rules that allow the dirtiest power plants in the country to continue to pollute, even when they expand their capacity to produce electricity.

I have always said he has what he calls his Clear Skies legislation, and if I have ever heard of legislation that is a triumph of marketing over substance, it is Clear Skies, because it does not clear the skies, it clouds them. It would not be as effective as the enforcement of existing law.

Finally, climate change. Here is an issue, the President made a promise in the campaign. He walked away from it right after he was elected. In Wells, Maine, this estuarine area, this is the kind of area that is at risk from climate change and rising seas. It seems to me once again the rest of the world is concerned about this issue. The science is clear. The President denies the science and simply refuses to deal with one of the growing and potentially horrendous environmental challenges that lie in front of us.

There is a better way. We can work together based on sound science with a commitment to improving the quality of our air and water for ourselves and our children for years to come. This administration will not do that, but I know others will.

I thank the gentleman for giving me this time.

Mr. BLUMENAUER. I appreciate the gentleman's illustrations. We were on this floor earlier this week talking about the long-term budget implications which will guarantee that these unfortunate, ill-advised and unacceptable cuts are the tip of the iceberg, and we are going to be looking at that for years to come unless we change the priorities of the administration or unless we change the administration.

We are reaching a conclusion here. We have three more of my colleagues. I think we have at least 4 minutes each for them. I will not take more of my time.

But I would turn, if I could, to my friend from California (Mr. FARR), who is here not just on Earth Day, but this week as a spokesman and a champion for ocean health and environment. It is a great juxtaposition, and I am happy to yield time for him to make some comments that would be appropriate.

Mr. FARR. Thank you very much, my distinguished colleague from Portland, Oregon. I think but for your personal involvement in changing a city, we would not see the cities of America be as beautiful as Portland, Oregon, one of the most beautiful places to live now, and certainly the transportation system that the gentleman created there is the model for the country.

I am proud to be here on this 34th anniversary of Earth Day with all my colleagues. As I heard the people before me, I could not help but think that some of my colleagues will someday be future U.S. Senators, Governors and members of the Cabinet. With what they have said, it is obvious that their hearts and minds are in the right place.

I have a long statement, and I will submit it for the RECORD. I just wanted to say that today we launched, and this week, essentially a focus on how we should upgrade the oceans in America. We have ignored them. We paid attention to clean air, clean water, and we have 10 different agencies, departments in the Federal Government, hundreds of laws, and the right hand does not know what the left hand is doing.

We have had a private sector report by the Pew Commission, a public sector report that we in Congress authorized, the U.S. Oceans Commission. They made the report back to Congress on Tuesday of this week. Now it is our responsibility, the legislative branch of government, to come up with a new organization, new laws, that will essentially focus on the ocean. In essence, to put it in perspective, more than 1,500 people have successfully climbed Mount Everest; more than 300 people have journeyed into space; 12 people walked on the moon; but only 2 people have ever descended to the bottom of the ocean and returned.

□ 1815

They are about that. I mean, we just do not know about the ocean. We know more about the Moon than we know about the oceans on the planet.

So we are going to spend the next few months here developing an oceans bill that I think will set the policy for this country, which will hopefully lead the policy of the world and the mechanism for ensuring that the oceans can be managed on an ecosystem basis and they can be cleaned up and made as the lungs of this Earth for children for generations to come.

It is the responsibility of this generation. We have found it in bad shape, and we have got to leave it in better shape.

I would just conclude on this Earth Day by inviting everybody to go out this weekend to celebrate Earth Day. There are all kinds of activities in your local community. I think the best quote about Earth Day and ourselves is what Teddy Roosevelt once reminded this country. He said: ''Do what you can with what you have where you are. Just do it.''

Mr. BLUMENAUER. Mr. Speaker, the gentleman from California (Mr. FARR) must feel no small sense of satisfaction. I know that he was the driving force behind the first ocean's conference with President Clinton in his beautiful district in Monterey, bringing home how important this is to all of us. And I extend my deep appreciation for his leadership, insight, and patience.

Mr. FARR. Let us hope we can get some good legislation adopted.

Mr. Speaker, I will include my statement for the RECORD at this point.

Mr. Speaker, I am glad that we are holding this special order on the occasion of the 35th anniversary of Earth Day.

It is important that we take the time to recognize the importance of environmental conservation efforts and renew our commitment to them until we make everyday Earth Day.

We all must do our parts to be good stewards of our ocean, our land and our atmosphere. This is the only planet that we have after all.

Earth Day was born at a time of great concern over the degradation of the environment and the effects of that degradation on all species, including humans.

I like to think of Earth Day as an ecological version of New Year's Day—a time to reflect, take stock and make resolutions.

With that in mind, I want to take my time in this special order to talk about our oceans—two thirds of the earth that we need to know a lot more about.

Tuesday's release of the ''U.S. Commission on Ocean Policy's'' report marks a milestone for our oceans and for the way we view them. Their report is the result of almost 2 years of reflecting and taking stock of our current ocean management practices.

For the first time in more than 30 years, we as a nation, have re-considered our relationship with the sea. Unfortunately, the past 30 years have not been kind to our oceans.

Plain and simple our oceans are in a state of crisis—a crisis that affects each and every one of us.

Today, between one third and one half of the world's population lives within 50 miles of the coast.

We all depend on our oceans and coasts from the person who lives off the water to the person who visits once in a lifetime.

The oceans provide food, jobs, vacation spots, scientific knowledge, and opportunities for reflection, our movies our art and music.

In spite of this we tend to act with a great deal of ignorance about how our own activities actually threaten that economic value. In fact we have limited knowledge of how oceans work as an ecosystem.

I have some interesting numbers that I want to share with you. More than 1,500 people have successfully climbed Mount Everest. More than 300 people have journeyed to space. 12 people have walked on the moon. Yet, only two people have descended and returned in a single dive to the deepest part of the ocean.

Think about it—we know more about the moon than oceans on earth.

This morning I was testifying on the other side of the Capitol at the Senate Commerce Committee.

I met with Bob Ballard who showed me the most recent edition of Oceanography. He showed me two pictures. The first was of Mars and the second was of the ocean floor. What caught my eye was, to date, our pictures of outer space are 250 times higher resolution than from the ocean's depths.

Mr. Speaker, as I mentioned Earth Day was born at a time of great concern over the deprivation of our environment and out of this grass root effort we saw dramatic changes.

We proved that if we put our minds and resources to the problem, as we did in putting a man on the moon, we could bring things right again. We made giant progress with the Clean Water Act and the Clean Air Act.

Sadly, these land mark pieces of legislation have recently come under fire, administratively there has been a failure to investigate violations and enforce the laws on the books.

Protection of our oceans will require a change of course, a commitment from Congress and the administration. This commitment must be in the form of a new ocean ethic; one that is ecosystem-based with a governance structure that protects, restores, and maintains healthy marine ecosystems.

Regrettably, all too often we take our oceans for granted: We underestimate their value and we ignore the negative consequences human-related activities can have on them.

Our oceans represent the largest public trust resource in the U.S. and cover an area nearly one and a half times the size of the continental United States.

Americans expect the Government to safeguard this vast resource and I hope that the report just released will be the motivation for us to actually begin to do so.

Simply put, our current ocean and coastal management system, created over thirty years ago, is archaic and incompatible with new knowledge about how the oceans and coastal waters function as a whole.

Our policies are fragmented, both institutionally and geographically.

For example, today we find ourselves with over ten federal departments involved in the implementation of more than 130 ocean-related statutes.

It is time to reconsider this incoherent and often times incompatible management situation and bring order to our ocean governance structure.

The U.S. Commission's Report and last year's Pew Report offer some guidance on how to do just this.

We now know the natural world functions as interdependent ecosystems, with each species intricately connected to the other parts that make up the whole.

The U.S. Commission's Report, as well as the independent Pew Oceans Commission Report released last June, clearly states that we must adopt a new policy framework that is based on the concept of ''the whole,'' an ecosystem-based approach rather than one based on political boundaries.

This approach will not be as easy or straight forward as our previous approaches, but we must pass the legislation necessary to make it a reality.

Part of making it a reality is creating a strong regional governance structure. With a comprehensive national ocean policy explicitly written to maintain healthy ocean ecosystems, our oceans will be a bountiful resource in which we can all take pride.

The Report also stresses the importance of instilling a new ecosystem-based stewardship

ethic. Involved in instilling this ethic is increasing ocean-related education for all Americans at all levels, from first-graders learning how to read to graduate students investigating challenging scientific processes.

The U.S. Commission details suggestions on how we can instill a new stewardship ethic by emphasizing and investing in greater marine science education.

The Report released earlier this week is, technically, a Preliminary Report. It is being sent to the Governors for their comments. This comment period lasts until May 21, 2004. I urge all my colleagues to contact their Governors, let them know how important this issue is.

I sincerely hope that all states will take this opportunity to acknowledge that the oceans provide value for every American, whether intrinsic worth or direct economic benefit, and provide the Commission with input before the comment period ends.

Despite historic and geographic patterns suggesting otherwise, every state has a role to play in the management of our oceans.

The bipartisan House Oceans Caucus leadership is drafting legislation—the BOB, or Big Oceans Bill—that sets our country on the right path—the path of protecting our oceans.

Many of the details are still being worked out; however, the broad sections of BOB include national governance, regional governance, science and technology, and education.

We will be introducing our legislation this session. We have high hopes that our comprehensive bill will receive hearings and be considered this year, thereby demonstrating the bipartisan nature of the importance of protecting the health of our oceans for future generations.

It is up to each of us to not let this unprecedented opportunity pass us by. With the U.S. Commission on Ocean Policy and The Pew Oceans Commission Reports in the last year, the Bush Administration has a prime opportunity to take the steps necessary to instill a new ocean ethic in our government.

And, it's my earth day resolution to work with all my colleagues to make the decisions necessary to protect our largest public trust resource.

The time for leadership is now.

I will close with a quote from Commission's report:

> The responsibility of our generation is to reclaim and renew the oceans for ourselves, for our children, and—if we do the job right—for those whose footprints will make the sands of beaches from Maine to Hawaii long after ours have washed away.

Don't forget to celebrate Earth Day, too. There are activities and festivities scheduled everywhere. Get out and participate, revel in the spring, and help build awareness just by being there. As Teddy Roosevelt once said: "Do what you can with what you have where you can."

Mr. BLUMENAUER. Mr. Speaker, next there is the opportunity to hear from the gentlewoman from California (Ms. SOLIS). Although she has been a more recent arrival to Congress, she has distinguished herself as a Member of the California legislature, as a tireless champion of the environment, of dealing with the problems at home on the neighborhood level, and has carried that passion back here affecting Federal policies. I am happy to yield to her.

Ms. SOLIS. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for providing us with the opportunity to celebrate Earth Day. We do have much to celebrate, but we also have to reflect on what is happening here in our country and what policies are having effects in our communities.

I appreciate the fact that so many of my colleagues spoke before me very eloquently about the status of the environment here in our country. I am happy to talk a little bit about a place that I represent, and I represent the 32nd Congressional District in Southern California, much viewed by people as probably the armpit of America in many ways. Smog levels are very high. I have ownership of three Super fund sites. There are 17 gravel pits, many that are abandoned.

So we have various problems that exist in our district, many challenges, long before I was even born. But that does not mean that we give up the hope to fight to improve those conditions for the people that I represent. And I was very fortunate in the California legislature to work on environmental justice legislation, one of the first pieces of legislation in the entire country to be codified in the State of California. And as a result I believe there are close to 30 States now in this Union that have done likewise and have followed suit.

It is unfortunate, however, that this administration here does not believe in the true essence of environmental justice. And what environmental justice means for many Americans and for people that I represent is equal treatment under the law when placing projects in our districts. And, unfortunately, people have had blindfolds on their eyes when they come into our district because they place projects that have negative effects on our health in my district.

We have higher rates of asthma than other parts of L.A. County. We have children that cannot go out and play on the playgrounds when the summer heat goes up and the smog levels go up. We have children that have to go to the emergency trauma units because they are suffering from asthmatic attacks, both children and our elderly. We see that our drinking water is also contaminated.

For many years there were prior Congressmen, for example, Congressman Torres, who led the way to clean up our basin almost 20 years ago. We still have not found a solution to entirely clean up our local area. Perchloric contaminates our water. That is rocket fuel that was allowed to enter into our water table through Department of Defense contractors. Many have come to the table to try to clean that up, but we have not gone far enough.

And just yesterday we had a hearing in the Committee on Energy and Commerce regarding DOD exemptions that this administration would like to see rip away at the protections that we have in our States such as California. I came out strongly opposed to those exemptions as did many attorneys general representing many States as well as many water agencies and purveyors that want to provide clean water to millions and millions of people who live in our country. We need to do the right thing. And I know that I can count on my colleagues here that have spoken this evening to help educate the public that, in fact, there are Members of this Congress who are willing to fight, willing to stay here late, to do the right thing, to make sure that we do not erode the protections that have been in place for the last 50 years.

And, as a new Member of Congress, I would like to say that I am proud to represent the district that I come from, East Los Angeles, that many people forget about. People there are experiencing high levels of unemployment. Many of them have low skills, low educational levels; and they live in the dirtiest communities in our country, and it is not fair. That is why we need strong laws. That is why we need adequate funding to protect everybody on an equal and fair basis.

And I applaud the gentleman from Oregon (Mr. BLUMENAUER) and all the Members that have come forward tonight to share with us that Earth Day, in fact, should be a celebration for the entire world.

In Spanish we say ''para todo el mundo.'' That means the entire world. The entire world is looking at us right now to see that we do the right thing, to see that we address the issues of global warming, water pollution, clean air. Those are the things that my community is advocating for, and I am going to continue to fight for that.

Mr. BLUMENAUER. Mr. Speaker, I think it is clear that there is very little likelihood that East Los Angeles will be forgotten with my colleague's eloquence, her insights, and her leadership.

Mr. Speaker, I am happy to turn to the gentleman from Washington (Mr. INSLEE), who has represented several congressional districts. He has distinguished himself with the wilderness and with energy and with thinking about how these pieces fit together for the future. I am honored to yield to him this evening.

Mr. INSLEE. Mr. Speaker, I appreciate the opportunity to join this effort on Earth Day. I have two messages, one inspirational and one that desires, frankly, a good fight. Let me start with the inspirational message. I want to tell my colleague about a friend of mine, a Dennis Hayes, who as a young man the first Earth Day stood up and said, I am going to become personally committed to the environment of the globe. And he became, actually, the manager of the organization that conducted the first Earth Day. And Dennis Hayes is still fired with the vigor of dealing with these multiple environmental challenges, and he is working

in Seattle now for the Bullet Foundation, which helps promote many great ideas and environmental agendas.

I hope other people who are of his youth become inspired on multiple environmental challenges now, politically and otherwise, and stay working as long as Dennis has, who is still working on solar cell technology and a host of other efforts to deal with our energy.

I appreciate this opportunity. We will have other opportunities next week to continue this discussion.

Mr. SCHIFF. Mr. Speaker, distinguished colleagues, the 34th annual Earth Day is a time to reflect on our stewardship of the environment: where we have been, and where we are going. We should use this opportunity to rethink our current direction. America's status-quo energy policy is untenable. Our dependence on fossil fuels is polluting our air and water, overheating our planet, and tying up our foreign policy. Yet a sustainable, energy-efficient future lies before us—if we are willing to reach for its.

The consequences of fossil fuel use are everywhere. The Environmental Protection Agency determined that almost 500 counties across the country suffer from unhealthy levels of smog that must be reduced. Gas prices have hit record highs, which bites into the cost of living for ordinary Americans and threatens economic growth. Our dependence on oil limits our foreign policy and makes us rely on other nations for survival. And behind it all looms global warming.

The biggest lost opportunity of the current Administration has been the failure to set a goal for this country of halving our dependence on fossil fuels in the next decade. I believe in the American entrepreneur and our ability to develop technologies that will dramatically reduce our dependence on fossil fuels. Many of those technologies already exist. Many are on our roads. But they must be nurtured if they are to develop further.

The first step is to encourage the use of hybrid gas-electric cars. These cars have double the gas mileage of standard cars and dramatically lower emissions. Moreover, unlike other clean car technologies, they are also available now in meaningful numbers. With a small encouragement, we can bring about the widespread adoption of this exciting new technology.

Hybrids are only the first step. We should draw on our technological prowess to solve our energy challenges with renewable sources of energy that reduce pollution, such as solar, geothermal, biomass, landfill gas, and fusion. I have great confidence in America's technological know-how in solving these challenges; our national public policy should aim to create research and development incentives for the public sector to partner with the private sector in bringing promising technologies to market. As a nation, we must reduce pollution and help leave a sustainable energy future for our children.

Together, we can turn our country away from its current unhealthy practices and toward a cleaner, more sustainable tomorrow. It will not be easy, but it must be done.

Mr. HOLT. Mr. Speaker, on this Earth Day, I think it is vital to point out the increasing need for this country and this Congress to put together a sensible, rational energy policy that lowers our dependence on fossil fuels and continues to stimulate our economy.

Developing such a policy is not simply about protecting our environment. From a national security standpoint, our dependence on oil, especially in the transportation sector, is a continuing danger. You can look under every rock and drill in every inch of wilderness and coastline we have, and we will simply never be able to meet our current level of consumption. The sobering fact is that the Middle East contains a tremendous share of the world's oil supply—and the more we remain dependent on their oil, the more we expose ourselves and the world to violence and terrorism.

From a public health standpoint, we can no longer rely so heavily on those energy sources that are poisoning us. Coal is cheap and abundant in the U.S.—but its emissions, including mercury and sulfur dioxide, cause thousands of premature deaths and diseases like emphysema and asthma every year. These are the very human costs that we must consider when we think about where we are getting our energy.

Of course, the environmental impact of our dangerous addiction to fossil fuels is well known. Even as our cars get cleaner, their combined carbon dioxide emissions, along with those from power plants and other sources, are largely to blame for global warming. The emissions from burning coal foul the air, creating smog and acid rain, while mercury falls to the ground and pollutes our waterways.

Equally troubling is the way we extract fossil fuels—to get coal, we rip off the tops of mountains and dump them into nearby streams; to get oil and natural gas, we drill extensively, often risking spillage. The oil and gas industries seem to have an insatiable appetite for opening and exploiting our most precious lands and our coastlines—yet even they must realize that we cannot drill our way to a better energy future.

Mr. Speaker, the legislation we passed in this House last year was not an energy policy. It was a grab bag of goodies for special interests. The bill reads as if every sector of the energy industry simply submitted their wish lists, translated nicely into legislative language—much like the development of the recommendations of the Vice President's Energy Task Force.

What we really need is a rational energy policy that puts us on the road to a more secure energy future. We should invest in research into renewable and sustainable sources and energy efficiency. We should set intelligent goals for the future: ten, twenty, fifty years in the future, how much energy should we be producing from each source? How much should we be consuming in each sector—transportation, residential, industrial? How can we protect our environment and our health while meeting the energy needs of a growing economy? We should also get our hands around the growing demand across the country for gas for our cars, electricity for our lights and computers, and natural gas for our heat—and find out how to be efficient as possible with all of that consumption.

I would like to lay out a challenge to all of my colleagues. Let's reject the stalled energy legislation. Let's move beyond the politics of squeezing every last bit of oil, gas, and coal out of this country and work on policies that envision a sustainable, secure energy future. A future where more of our energy needs are met by those sustainable sources like wind fusion, the sun, and biomass. A future where Americans don't have to sacrifice their own health just to keep using their air conditioners. A future where cartels like OPEC no longer hold us captive to the volatile world oil market and our energy needs no longer imperil national security. A future where protecting our environment and meeting our energy needs go hand in hand.

To do so will take patience, research, and some innovative thinking. I plan to do all of these in the coming months and years, and I hope my colleagues will join with me.

Mr. OBEY. Mr. Speaker, Earth Day is a great day to call attention to the many environmental and public health challenges that face everyone on the planet. It is also a great opportunity to reflect on the history of the Earth Day movement and to pay tribute to one of recent history's great statesmen and founding father of the movement, our former Senator from Wisconsin, Gaylord Nelson.

Today, people all around the nation are celebrating Earth Day. Local communities have organized events to, once again, bring to the public eye the importance of working together to improve our quality of life and to protect our natural heritage.

However, without the leadership of a passionate public servant from Wisconsin, we would no be breathing air as clean. We would not be swimming in lakes, rivers and streams as safe. We would not be enjoying the beauty of public lands as special as those we were able to protect under laws he championed. We would not be holding Earth Day celebrations each year on April 22nd.

Earth Day was ''born'' in September, 1969. Senator Gaylord Nelson was invited to give a speech at a conference held at the Seattle Science Center. In his speech, he suggested that, just as Americans had been involved in ''teach-ins'' to protest the Vietnam war, the country should also set aside a day to call attention to the environmental problems facing our planet and to demand that Congress address those important issues. He expressed his firm belief that the American people needed to put their leaders ''on notice,'' and he encouraged folks everywhere to explain to their elected officials that they were tired of empty promises. It was time for real action on the environment.

At that same conference, he suggested that in the spring of 1970, there should be a nation-wide grassroots demonstration on behalf of the environment, and he encouraged the listening public to participate. Wire services carried the story from coast to coast, and as history showed, the response was overwhelmingly positive.

Within hours of that Seattle speech, telegrams, letters and telephone inquiries from across the country poured into his Senate office. His phones in the Capitol were literally ringing off the hook, as people called in to say that they wanted to organize Earth Day celebrations in their own communities. It was obvious that Senator Nelson had struck a chord, and that this was an idea whose time had come. Over the next four months, the calls and letters increased in number until his Senate staff was overwhelmed by the response. At that point, he decided to hire several talented students to help organize and respond to peoples' calls to action.

Senator Nelson himself has said that no one individual or group had either the time or the resources to organize and coordinate all of the activities of the 20 million people and thousands of schools, community groups and others who made the first Earth Day such a success. Instead, he credits the many dedicated people in communities across the country, that were sparked to organize at the local level in response by his speech, and send a loud and clear wake-up call to their elected officials on the issue of environmental health. While his speech had resonated with Americans everywhere, and was clearly a catalyst for change, he insists that no single individual was responsible for organizing the first Earth Day. Rather, Earth Day 1970 literally organized itself. It is, to this day, a stellar example of how individuals can make a difference and literally change history.

In April 1970, twenty million people spoke out for the environmental health of the planet—rich people and poor people, young and old, farmers and city dwellers, Republicans and Democrats—stood together for the planet. A week-long series of Earth Day events in Philadelphia drew over 30,000 people to Independence Mall on April 21, 1970 and an estimated 75,000 people to Fairmount Park on Earth Day itself, April 22. People came in droves to listen to the keynote speaker and author of the landmark 1970 Clean Air Act, Senator Edmund Muskie.

Following that initial activism, thousands more attended events at every college in that region during that week. The organizers of those events accomplished this without having any contact with Senator Nelson, his staff, or any other national coordinating body. Like ripples in a pond, thousands of people in other communities across the country organized their own local Earth Day events in 1970 until the movement was 20 million strong. Today, local, ad hoc Earth Day groups continue to organize their own events on April 22, focusing on the local, regional, national or global issues that matter most to them. That was and continues to be the strength and power of Earth Day.

As Senator Nelson is fond of pointing out, it is the activist students and folks in communities across the country, and their actions as a group rather than those of any one individual, who ensured the environment finally took its place as a priority issue on the national political agenda. They made possible the dramatic environmental gains of the past 34 years. We are all in debt to that generation of young people—grade school, high school, and college—who supplied the energy, enthusiasm, and idealism that made Earth Day such a spectacular success. Earth Day was and is a pluralistic event in which every individual and every group that wants to be involved is able to do so, and claim ''ownership'' of the day.

Twenty years later, Earth Day has gone global and more than 200 million people from 141 countries participated in the last celebration. However, the millions who rallied on that first Earth Day are what gave Senator Nelson's simple idea its power. And in 1995, while celebrating the 25th anniversary of Earth Day, President Bill Clinton appropriately honored Senator Nelson's timely contribution to the movement by presenting him with the Medal of Freedom.

We can all be proud and grateful for the contribution of one of Wisconsin's great statesmen, the thoughtful and provocative founding father of Earth Day, Senator Gaylord Nelson.

Mr. MORAN. Mr. Speaker, with today's celebration of Earth Day marked locally by public anxiety over lead contamination in our area drinking water, I thought it fitting to commemorate the life of Clair Patterson, a scientist who worked singlehandedly to reduce our exposure to lead and, in the process, save millions of lives.

As a scientist specializing in the environment, Clair Patterson's pioneering work stretched across an unusual number of subdisciplines, including archaeology, meteorology, oceanography, chemistry and geology. Despite these many areas of expertise, he is best known for determining the age of the Earth.

The son of a postal worker, Clair Patterson began a lifelong attraction to chemistry that began at an early age and ultimately led to a thesis in molecular spectroscopy. Besides working on the Manhattan Project, he continued his dissertation in 1951 and analyzed lead samples that gave lead isotopic compositions for minerals separated from a billion-year-old sample of Precambrian granite.

Prompted by a visit to the U.S. Geological Survey in Washington DC, Mr. Clair Patterson began research that opened up a new field of dating for geologists. This led to hundreds of age determinations based on his methods and techniques and affirmed his predictions on the most accurate age of the planet.

In 1962, he and other scientists observed that the lead concentration in the deeper parts of the Pacific Ocean were 3 to 10 times less than surface water. These observations provided new evidence that human industrial activity had disturbed the natural geochemical cycle for lead and raised concentrations levels.

He could have stopped there and returned to his scientific and academic pursuits. He did not and for that we should all be grateful. He deserves recognition today for taking a different path. A path that invited controversy, derision from many of his peers and even threats from industries he challenged. When he found that the lead concentration in the blood of many Americans was over 100 times that of the natural level, and dangerously close to the accepted limit for symptoms of lead poisoning to occur, he began to track down the sources of lead contamination and take on the industries responsible for polluting the environment with lead and challenged governments, Federal, State and local to limit our exposure.

He wrote to California Governor Pat Brown emphasizing the dangerously high levels of lead in aerosols, particularly in the Los Angeles area. In it he claimed that the California Department of Public Health was not doing all it should to protect the population from the dangers of lead poisoning. By 1966, Governor Brown signed a bill directing the State Department of Public Health to hold hearings and to establish air quality standards for California by February 1, 1967. Although that deadline was not met, Patterson clearly played a role in advancing concern over California air control standards.

He testified before the Senate Subcommittee on Air and Water Pollution in 1966. Patterson believed it was wrong for public health agencies to work so closely with lead industries, whom he considered often biased in matters concerning public health.

By 1970, Patterson and his colleagues had completed studies of snow strata from Greenland and Antarctica that showed clearly the increase in atmospheric lead began with the industrial revolution. Modern Greenland snow contained over 100 times the amount of lead in pre-industrial snow, with most of the increase occurring over the last 100 years.

In 1971, he criticized a National Research Council report on the Environmental Protection Agency's policies on lead pollution as not being forceful enough in interpreting its data and being too heavily weighted toward industrial scientists. Although Patterson's work was initially ignored, by December 1973 the EPA announced a program to reduce lead in gasoline by 60–65 percent in phased steps. Thus was the beginning of the removal of lead from gasoline.

In the late 1970s Patterson turned his attention to lead in food. He wrote to the commissioner of food and drugs at the Environmental Protection Agency asserting that his headquarters laboratory could not correctly analyze for lead in tuna fish and called for more accurate analysis. Patterson made several recommendations for improvements that were taken seriously and prompted EPA to conduct better lead analyses.

In 1980, Patterson and a fellow researcher Dorothy M. Settle published a warning on the amount of lead entering the food chain due to lead solder used in sealing cans. By 1993 lead solder was removed from all food containers in the United States. Patterson's influence is again clearly evident.

Patterson was appointed in 1978 to a 12 member National Research Council panel to evaluate the state of knowledge about environmental issues related to lead poisoning. The panel report cite the need to reduce lead hazards for urban children (a finding that demands renewed attention following the Washington area's lead scare) and called for further research on the relationship between lead ingestion and intellectual ability.

In short, Patterson argued that the dangers of lead were already clear enough and that efforts should start immediately to drastically reduce or completely remove industrial lead from the everyday environment. That included gasoline, food containers, foils, paint, and glazes. He also cited water distribution systems and urged investigations into biochemical effects of lead at the cellular level.

As we reflect on Patterson's lifelong commitment to environmental health, we must listen to today's unsung heroes who are calling for more vigilant protection of public health and an end to the assault on our Nation's environmental laws that jeopardize the health of our children and grandchildren.

In a world increasingly marked by technological and scientific innovation, Clair Patterson's lifelong efforts demand renewed attention. On this Earth Day, as we see so many of our country's environmental laws being rolled back, let us honor Clair Patterson's lifelong commitment to finding that balance between modern technology and preserving the environmental and human health. We have a collective responsibility to preserve our natural surroundings for generations to come.

Mr. KIND. Mr. Speaker, I rise today in commemoration of the 34th anniversary of Earth Day. Started in 1970 by Wisconsin's own Senator Gaylord Nelson, this annual celebration

marks the birth of the modern environmental movement.

For much of the 20th century, people accepted pollution as the inevitable price of progress. That began to change in the early 1960s. In 1970, when Senator Nelson saw that few U.S. leaders were paying attention to public concern about the environment, he announced a series of teach-ins across the country to be held on April 22. That year, 20 million people participated in the first Earth Day.

Soon after, the Congress passed and President Nixon signed a series of unprecedented laws creating the Environmental Protection Agency, establishing national limits for air and water pollutants, and requiring environmental impact assessments before federally funded projects could begin.

Sadly, the current administration seems to be doing all it can to reverse decades of bipartisan progress on the environment at the behest of large special interests. Landmark legislation that has successfully protected the public health such as the Clean Air Act, Clean Water Act, and the Safe Drinking Water Act are under assault.

It would appear that Senator Nelson's visionary efforts to build a grassroots movement to demonstrate the public's insistence on a clean and healthy environment for themselves and future generations, is needed as much today as it was 34 years ago.

And, in fact, Earth Day continues to be an event that unites people concerned about their environment, and who strive to protect it for our children's future. Last year, hundreds of millions of people in more than 180 countries around the world came together to celebrate the progress that has been made over the past 33 years.

Today, the vast majority of Americans do not believe that pollution is a necessary price for our progress, and want clean air, clean water and pristine public lands for their children. People want their government to improve, rather than undermine our country's public health and environmental protections. Instead of taking steps backwards, I urge the President to engage in the bipartisan work needed to build on a positive environmental agenda that Senator Gaylord Nelson envisioned when he started Earth Day.

Mrs. KELLY. Mr. Speaker, I rise today, Earth Day, to discuss the critical importance of investing in America's clean water infrastructure. As we begin the 21st century, investment in water infrastructure stands as one of the most important economic and environmental investments our government will make.

Since 1972, our Nation has made important progress in improving the water quality of lakes, rivers and harbors across the land. However, we are at an important crossroad in the effort to make our Nation's waters fishable and swimmable. Recent studies by EPA, GAO and the Water Infrastructure Network all point to a water infrastructure funding crisis. According to EPA's Clean Water and Drinking Water Gap Analysis, America is facing a $535 billion funding shortfall for water infrastructure over the next two decades. This analysis comes at a time when the Federal Government is committing less than $2 billion dollars a year to water and wastewater infrastructure.

The most significant improvements in water quality have resulted from our investments in wastewater treatment—if we fail to replace and upgrade existing wastewater treatment facilities we could see the progress of the past 30 years reversed. As we enter the summer months, over 30 million fisherman will head to their favorite fishing holes, millions more Americans will head to beaches and lakes for a refreshing swim. These simple summer pleasures share one common element—clean water.

Investing in clean water infrastructure also makes eminent economic sense. According to the American Public Works Association, over 40,000 jobs are created for every billion dollars that is invested in wastewater infrastructure construction.

As we reflect on the importance of clean water to our quality of life, I believe it is time to consider providing water infrastructure with the same funding priority we assign to highways and airports. Congress must begin considering long-term, dedicated funding for our Nation's water infrastructure.

Mr. BOEHLERT. Mr. Speaker, as we celebrate Earth Day, it is important to reflect upon our environmental accomplishments and plan for the environmental challenges ahead. For over three decades investments in clean water infrastructure, wastewater treatment facilities, have been the linchpin of water quality improvements in lakes, rivers and bays. Today, over 30 million Americans enjoy fishing in waters that have been improved through wastewater treatment investments.

Unfortunately, the future of clean water has become increasingly murky. According to analysis conducted by the Environmental Protection Agency and confirmed in studies by the Water Infrastructure Network and the Government Accounting Office, America is facing a water and wastewater infrastructure funding gap that will exceed $500 billion over the next 20 years. This infrastructure funding crisis, if not addressed, will have devastating economic and environmental consequences for our Nation.

Historically, Congress has developed legislation providing long-term, dedicated sources of funding for massive infrastructure investment priorities. Our Nation's highway and aviation infrastructure needs are funded primarily through dedicated trust funds. I believe it is time to begin a constructive dialogue between State, local and Federal officials on how our Nation is going to ensure that needed investments in clean water infrastructure are going to be made in the future.

Ms. McCARTHY of Missouri. Mr. Speaker, as we celebrate the 34th anniversary of Earth Day, I rise to recognize the ongoing struggle to preserve and protect our environment for future generations. We have made significant progress since the first Earth Day in 1970, but recent funding cuts and policy changes are now jeopardizing vital environmental programs such as the Clean Water Act and the Clean Air Act. The Natural Resources Defense Council, a national organization that advocates environmental action, recently released a report, ''Rewriting the Rules,'' which documents more than 150 assaults on our environmental safeguards between January 2003 and March 2004. Of particular concern is the rollback of environmental regulations that keep sewage out of our waterways and drinking water, protect our public lands, and limit mercury pollution in our air. As the principal sponsor of Missouri's Clean Air and Air Emissions Standards Acts during my tenure in the state legislature and as Chairwoman of the Missouri Commission on Global Climate Change and Ozone Depletion, I am alarmed and concerned by these weakened standards. Earth Day was created in 1970 as a call to action after drastic environmental events such as the chemical emergency at Love Canal and the ''death'' of Lake Erie. This massive environmental protest drew attention to environmental problems plaguing communities across our country. Today, we must continue that commitment to preserve our planet not only on our continent, but around the world. As we honor the 34th anniversary of Earth Day, we acknowledge the achievements of some of our most conscientious global environmental leaders. On April 19, the Sierra Club awarded the 15th annual Goldman Environmental Prize to several grassroots activists who have worked to make our world a better place to live.

These seven leaders, Rudolf Amenga-Etego of Ghana, Rashida Bee and Chama Devi Shukla of India, Manana Kochladze of Georgia, Demetrio Do Amaral de Carvalho of East Timor, Margie Eugene-Richard of the U.S., and Libia Grueson of Colombia, have made significant contributions to their communities: providing safe drinking water for the people, seeking justice for world disaster survivors, blocking the construction of environmentally damaging oil pipelines, leading reforestation and watershed management programs, fighting pollution and protecting rainforests. Yet as these global activists serve their communities and work to better their environment, here in the United States we are rolling back much of the progress our own leaders have made. We must reverse this direction and restore our commitment to the environment, to breathable air and drinkable water, and to preservation of wildlife and our quality of life.

On the first Earth Day in 1970, I joined more than 20 million Americans in demonstrating for a healthy, sustainable environment. I have worked at the state and federal levels for landmark legislation such as the Clean Water Act, the Clean Air Act, the Endangered Species Act, Global Climate Change and the establishment of the Environmental Protection Agency, among other legislative initiatives.

This Saturday, I join members of my community in celebrating our local progress at the Eighth Annual Bridging the Gap Earth Day Walk. Kansas City has developed a plan to restore and maintain our natural resources for current and future generations. I worked with the city to assure biodiesel as an alternative source of energy for our buses in order to maintain our air quality for the health of our citizens.

There is much more we must do to ensure the protection of our environment. We must strengthen, not weaken, regulations that protect our natural resources. We must provide necessary funding for programs that ensure the quality of the air we breathe and the water we drink. On this 34th anniversary of Earth Day, we must pledge to continue our commitment to protecting and preserving our environment.

Mr. Speaker, please join me in recognizing this important anniversary of Earth Day and saluting organizations like the Sierra Club that act globally to honor those who work for sustaining our planet.

Ms. LEE. Mr. Speaker, I rise today, on Earth Day, to speak out in support of policies that protect our planet, promote energy security,

and preserve human health. Unfortunately, in its 3 years in office, the Bush administration has launched an all-out assault on our environment in all three of these areas.

Bush policies have weakened protections on air, water, and public lands, and these assaults pose a direct threat to public health now and in the future. The actions we take now to protect these vital resources and to reinvent our approach to energy will have enormous consequences for future generations. Global warming, perhaps the most catastrophic and far-reaching consequence of our current practices, will not wait; our efforts to tackle these problems can't wait either.

We need to begin by preserving existing protections, from maintaining the well being of the Arctic National Wildlife Refuge by continuing to ban drilling in this precious wilderness to maintaining the well being of our children by halting the disastrous Bush administration rollbacks of our clean air and water regulations.

Our next step must be enforcement of existing laws and regulations. The Republican budget cuts environmental programs by $39 billion. At those levels, we cannot enforce existing public health safeguards. To make matters worse, the administration has abandoned the ''polluter pays'' principle: taxpayers, not the polluters themselves, will now be responsible for the costs of cleaning up toxic Superfund sites. And one in every four people in this country live within 4 miles of a major toxic waste site on the Superfund list.

For people of color, these numbers are even worse and so are the consequences. Life expectancy itself is an environmental justice issue. In this country, life expectancy projections are shaped as much by race as by gender. These disparities follow a cradle to grave cycle: beginning with infant mortality, continuing with workplace hazards and increased exposure to pollution, and ending with disparate access to healthcare, diagnoses, and medical treatment.

We see these forces clearly in diseases that strike most deeply into our cities and affect children most severely. Asthma rates among the urban poor are reaching alarming proportions. Death rates from asthma, and a host of other treatable diseases, are significantly higher among African Americans than any other ethnic group. Asthma rates in Oakland, in my district, are among the highest in the country. Children in West Oakland are seven times more likely to be hospitalized for asthma than children in the rest of California.

On Earth Day, it is important that we recognize just what is at stake here: our air, our water, our lands, and our children's health. We need to stop the Bush administration's assault on existing protections, and we need to invest in new solutions, especially in the energy arena, that will increase our own security as well as protect the environment around us.

Ms. SLAUGHTER. Mr. Speaker, I rise today as the world recognizes Earth Day, to express my strong concern with a recent proposal by the administration to weaken standards on mercury emissions from power plants.

This administration seems to have forgotten that Earth Day is our special day to look at the planet and see what needs changing. We should be moving forward with environmental policy, as we have done for nearly 35 years. Unfortunately, I fear that this administration is set on reversing these decades of progress.

My constituents and other Americans are being shortchanged by attempts to weaken clean water and clean air standards, particularly the mercury proposal. As co-chair of the Congressional Caucus on Women's Issues, I am very concerned that women and children, the groups who are at most risk from mercury exposure, are hurt by this proposal. A recent analysis by the EPA indicates that 1 in 6 women of childbearing age have levels of mercury in their blood at unsafe levels; 1 in 12 women of childbearing age has enough mercury in her system to pose a potential threat to fetal health. This contamination results in more than 600,000 newborns at risk of neurological problems due to mercury exposure.

We need to take immediate action to reduce women and children's exposure to mercury. Under the Clean Air Act, toxic substances like mercury must be controlled at each and every power plant by using the maximum achievable control technologies. Two years ago, EPA estimated that under this standard, existing technologies could reduce 90 percent of mercury pollution from power plants, bringing mercury emissions down to roughly 5 tons per year by 2008.

Unfortunately, EPA's proposed mercury standards are not protective of public health. The emission limits proposed are 10–20 times higher than what some plants achieve today. In the end, EPA's proposal allows power plants to emit six to seven times more mercury into our airways for a decade longer compared what EPA has said is achievable. I call on the administration to significantly strengthen this approach so that as much mercury as possible is removed from the emissions of each and every power plant.

It is sad that this administration has absolutely no environmental accomplishments on its record. The administration has repeatedly ignored the dangers that environmental toxins like mercury pose to women and children, and instead bends over backwards to cater to their friends in polluting industries. We cannot continue to play politics with human health, the environment and our children's futures.

Mr. DINGELL. Mr. Speaker, as you know, Earth Day marks a day of reflection for the American public, an opportunity to evaluate our progress in the fight to protect our environment. This past year we have seen the Bush administration's blatant disregard for the environment. Each one of us has the responsibility to stand up for environmental protection irrespective of the wishes of special interests. However, my Republican colleagues have failed to keep our Nation's commitment to a healthy and secure environment.

I have been here for a long time. I am proud of the role I played in many of our cornerstone environmental laws. In the 1970s, we recognized that we owe it to future generations to protect the environment, the laws we passed were not revolutionary, they were common sense. These laws were passed on an overwhelmingly bipartisan basis. One could even say that these environmental laws were so important that they were, in fact, nonpartisan.

Sadly, the tide has turned.

The Bush administration has shown, over and again, that they care more about their corporate buddies than the health and well-being of the American public. This has resulted in the weakening of some of our most fundamental environmental protections, including the Clean Water Act and the National Environmental Policy Act. Producing profits for their fat cat friends has given rise to plans to open protected lands for oil and gas drilling. Commercial logging companies have been invited into our national forests and attempts to dredge and fill our wetlands. Mr. Speaker, this administration does not recognize that we can have, and we have had, both economic booms and environmental protection. The two are not mutually exclusive.

One item on this extreme, anti-environment agenda is altering our current Superfund program. My colleagues on the other side of the aisle have abandoned the ''polluter pays'' principle and have instead turned to the taxpayer to ''pay the polluter'' and shoulder the cost of toxic waste cleanups. In 1995, the Clinton administration paid for 82 percent of toxic waste clean-ups from the Superfund Trust Fund, funded by polluter-paid fees. The current administration, on the other hand, has emptied this fund and are handing the bill to the American taxpayer. Furthermore, the swiftness of cleanups has declined 45 percent from the average of 87 sites per year during President Clinton's second term to a mere 40 sites in 2003. Polluters need to be held responsible, which is why ''polluter pays'' should be restored.

Furthermore, my Republican colleagues have undermined the safeguards put in place by the Clean Water Act. President Bush's guidance to federal agencies has left 20 million acres of wetlands and countless miles of streams unprotected. What's more, the administration is proposing to slash states' Clean Water revolving loan funds by $492 million in 2005. Mr. Speaker, the Clean Water Act protects all waters of the United States, a fact this administration fails to see. Today, as a result of the Clean Water Act, our lakes, rivers, and streams are in considerably better condition than they were 30 years ago. But that progress can easily be lost. We cannot let these unprincipled rascals in the White House continue to roll back the Clean Water Act.

An additional assault on our environmental laws appears in President Bush's forest policy. I am particularly concerned that President Bush's plan calls for overriding and ignoring many environmental rules, resulting in the stifling of public input and the reliance on private industry to do work on local forests. This outlandish plan attempts to justify destroying forests in the name of saving them. The roadless rule has opened pristine forests, such as the Tongass National Forest, to logging projects, threatening one of America's few remaining temperate rain forests. As the author of the National Environmental Policy Act, I believe the Federal Government must weigh the environmental consequences of an action before it is undertaken. This is a common sense law that needs to be enforced, not rolled back.

When I first arrived in Congress, the United States had virtually no environmental protection statutes on the books. Businesses, governments and individuals could spew into the air, pump into the water, or dump onto the ground virtually anything—with impunity. Our Government has made strong environmental gains during the past generation and the current administration is a threat to that progress. Ultimately, it must be our goal as a nation to create and maintain a vibrant, thriving and healthy ecosystem.

Mr. Speaker, we borrow the Earth from future generations, and we owe it to these future

inhabitants to protect it to the best of our ability. We have serious environmental problems, but unfortunately, the Bush administration is making matters worse, not better.

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today to show strong support for Earth Day. It is a great opportunity to encourage citizens to be conscious and take action regarding their responsibility towards environmental protection.

The first Earth Day was held in 1970 as an annual event to honor our planet and our responsibility for it. Earth Day's purpose is to educate our citizens of the importance of conserving the environment and to encourage them to restore their local community, improving quality of life and human health for all.

The natural resources of Earth are the essential components of our environment and the development of life; therefore our dedication to its conservation is very important for sustaining future generations. Currently, Puerto Rico, as well as the rest of the world, is facing many environmental challenges due primarily to human development and environmental pollution. Essential resources such as water, air, soil and biodiversity are threatened by human activity. The existing population of Puerto Rico is almost 4 million people and this overpopulation results in limited available resources to support its residents. Water scarcity and contamination, air pollution and climate change, the destruction of natural habitats for construction, erosion causing water shortage, and the endangerment of many species are among the main problems that our environment is facing.

Pure water is essential for all life on Earth and provides habitat to many organisms. The human race is putting in serious danger this vital resource by the energy production, interruption of water flows, deforestation, and the wasting of water by those who overuse this resource. Air is an essential resource for life as well. Its pollution comes primarily from coal burning power plants, automobiles, and industrial operations. These activities affect not only human health but also the atmosphere that protects us from the sun's radiation. Human activities also destroy biodiversity through contamination, deforestation and destruction of natural habitats for construction and other developments. As humans, we are totally dependent on nature for survival and, instead of conserving, our actions negatively impact nature.

In Puerto Rico, we are faced with immediate challenges in areas like Vieques, Culebra and Roosevelt Roads, where contamination threatens the health and well being of thousands of residents, water quality, and sustainable economic development. Residents of these regions deserve full and prompt clean up and decontamination of their lands. Another challenge for the Island is the protection and recovery of endangered species population. Endemic species' population such as the golden coquí (Eleutherodactylus jasperi), the Puerto Rican boa (Epricates inornatus), and the Puerto Rican parrot (Amazona vittata) that lives primarily at the Caribbean National Forest, El Yunque, have been significantly reduced due to encroachments of their habitats. The West Indian manatee (Trichechus manatus) and the green sea turtle (Chelonia mydas) are other examples of endangered species as a result of marine contamination on coastal areas due to human development.

In order to protect some of the natural environment of Puerto Rico, I have introduced legislation designating approximately 10,000 acres of land in the Caribbean National Forest in Puerto Rico as the El Toro Wilderness and as a component of the National Wilderness Preservation System. Through this legislation, the habitats within the El Toro Wilderness will be protected, as well as the forest's magnificent biodiversity.

It is necessary to educate our citizens about the importance of environmental conservation and conservation practices to maintain the natural resources of Puerto Rico and the rest of the world for future generations. This can be better accomplished by providing information through schools, communication media, conservation programs, and volunteer or special activities. Earth Day is a perfect moment to put in practice these goals by instructing and encouraging citizens to contribute to environmental conservation. As responsible and dedicated citizens to the conservation of our environment, Earth Day should become an every day priority to ensure and increase the quality of life and human health. Earth Day is not only one day; it is every day because every day is a good time to consider our environment, and take action to protect the nature that surrounds us.

GENERAL LEAVE

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

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

There was no objection.

THE REAL LESSONS OF 9/11

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, we are constantly admonished to remember the lessons of 9/11. Of course, the real issue is not remembering, but rather knowing what the pertinent lesson of that sad day is. The 9/11 Commission will soon release its report after months of fanfare by those whose reputations are at stake.

The many hours and dollars spent on the investigation may well reveal little we do not already know, while ignoring the most important lessons that should be learned from this egregious attack on our homeland. Common sense already tells us the tens of billions of dollars spent by the agencies of government whose job it is to promote security and intelligence for our country failed.

A full-fledged investigation into the bureaucracy may help us in the future, but one should never pretend that a government bureaucracy can be made efficient. It is the very nature of a bureaucracy to be inefficient. Spending an inordinate amount of time finger-pointing will distract from the real lessons of 9/11. Which agency, which department, or which individual receives the most blame should not be the main purpose of the investigation.

Despite the seriousness of our failure to prevent the attacks, it is disturbing to see how politicized the whole investigation has become. Which political party receives the greatest blame is a high-stakes election-year event and distracts from the real lessons ignored by both sides.

Everyone I have heard speak on the issue has assumed that the 9/11 attacks resulted from the lack of government action. No one in Washington has raised the question of whether our shortcomings brought to light by 9/11 could have been a result of too much government. Possibly in the final report we will hear this discussed, but, to date, no one has questioned the assumption that we need more government and, of course, though elusive, a more efficient one. The failure to understand the nature of the enemy who attacked us on 9/11, along with a predetermined decision to initiate a preemptive war against Iraq, prompted our government to deceive the people into believing that Saddam Hussein had something to do with the attacks on New York and Washington.

The majority of the American people still contend that the war against Iraq was justified because of the events of 9/11. These misinterpretations have led to many U.S. military deaths and casualties prompting a growing number of Americans to question the wisdom of our presence and purpose in a strange, foreign land 6,000 miles from our shores.

The neocon defenders of our policy in Iraq speak of the benefits that we have brought to the Iraqi people: removal of a violent dictator, liberation, democracy and prosperity. That the world is a safer place is yet to be proven. So far it is just not so.

If all of this were true, the resistance against our occupation would not be growing. We ought to admit we have not been welcomed as liberators as was promised by the proponents of the war. Though we hear much about the so-called benefits we have delivered to the Iraqi people and the Middle East, we hear little talk of the cost to the American people: lives lost, soldiers maimed for life, uncounted thousands sent home with diseased bodies and minds, billions of dollars consumed, and a major cloud placed over U.S. markets and the economy.

Sharp political divisions reminiscent of the 1960s are rising at home. Failing to understand why 9/11 happened and looking for a bureaucratic screw-up to explain the whole thing, while using the event to start an unprovoked war unrelated to 9/11, have dramatically compounded the problems all Americans and the world face.

Evidence has shown that there was no connection between Saddam Hussein and the guerrilla attacks on New

York and Washington. And since no weapons of mass destruction were found, other reasons are given for invading Iraq.

□ 1830

The real reasons are either denied or ignored: oil, neoconservative, empire building and our support for Israel over the Palestinians.

The proponents of the Iraqi war do not hesitate to impugn the character of those who point out the shortcomings of current policy, calling them unpatriotic and appeasers of terrorism. It is said that they are responsible for the growing armed resistance and for the killing of American soldiers. It is conveniently ignored that if the opponents of the current policy had had their way, not one single American would have died, nor would tens of thousands of Iraqi civilians have suffered the same fate. Al Qaeda and many new militant groups would not be enjoying a rapid growth in their ranks.

By denying that our sanctions and bombs brought havoc to Iraq, it is easy to play the patriot card and find a scapegoat to blame. We are never at fault and never responsible for bad outcomes of what many believe is, albeit well-intentioned, interference in the affairs of others 6,000 miles from our shores. Pursuing our policy has boiled down to testing our resolve.

It is said by many who did not even want to go to war that now we have no choice but to stay the course. They argue that it is a noble gesture to be courageous and continue no matter how difficult the task. But that should not be the issue. It is not a question of resolve, but rather a question of wise policy. If the policy is flawed, and the world and our people are less safe for it, unshakable resolve is the opposite of what we need.

Staying the course only makes sense when the difficult tasks are designed to protect our country and to thwart those who pose a direct threat to us. Wilsonian idealism of self-sacrifice to make the world safe for democracy should never be an excuse to wage preemptive war, especially since it almost never produces the desired results. There are always too many unintended consequences.

In our effort to change the political structure of Iraq, we continue alliances with dictators and even develop new ones with countries that are anything but democracies. We have a close alliance with Pakistan, Saudi Arabia, and many other Arab dictatorships, and a new one with Qadhafi of Libya. This should raise questions about the credibility of our commitment to promoting democracy in Iraq, which even our own governments would not tolerate. Show me one neocon that would accept a national election that would put the radical Shiites in charge. As Secretary Rumsfeld said, it is not going to happen.

These same people are condemning the recent democratic decisions made in Spain. We should remember that since World War II, in 35 U.S. attempts to promote democracy around the world, none have succeeded. Proponents of war too often fail to contemplate the unintended consequences of an aggressive foreign policy. So far, the antiwar forces have not been surprised with the chaos that has now become Iraq's, or Iran's participation, but even they cannot know all the long-term shortcomings of such a policy.

In an eagerness to march on Baghdad, the neocons gloated, and I heard them, of the shock and awe that was about to hit the Iraqi people. It turns out that the real shock and awe is that we are further from peace in Iraq than we were a year ago. And Secretary Rumsfeld admits his own surprise.

The only policy now offered is to escalate the war and avenge the death of American soldiers. If they kill 10 of our troops, we will kill 100 of theirs. Up until now, announcing the number of Iraqi deaths has purposely been avoided, but the new policy proclaims our success by announcing the number of Iraqis killed. But the more we kill, the greater becomes the incitement of the radical Islamic militant.

The harder we try to impose our will on them, the greater the resistance becomes. Amazingly, our occupation has done what was at one time thought to be impossible. It has united the Sunnis and the Shiites against our presence. Although this is probably temporary, it is real and has deepened our problems in securing Iraq. The results are escalations of the conflict and the requirements for more troops. This acceleration of the killing is called pacification, a bit of 1984 newspeak.

The removing of Saddam Hussein has created a stark irony. The willingness and intensity of the Iraqi people to fight for their homeland has increased manyfold. Under Saddam Hussein essentially no resistance occurred. Instead of jubilation and parades for the liberators, we face much greater and unified effort to throw out all foreigners than when Saddam Hussein was in charge.

It is not whether the Commission investigation of the causes of 9/11 is unwarranted, if the Commissioners are looking in the wrong places for answers, it is whether much will be achieved.

I am sure we will hear that the bureaucracy failed, whether it was the FBI, the CIA, the National Security Council or all of them, for failure to communicate with each other. This will not answer the question of why we were attacked and why our defenses were so poor. Even though $40 billion are spent on intelligence gathering each year, the process failed us.

Now, it is likely to be said that what we need is more money and more efficiency. Yet that approach fails to recognize that depending on government agencies to be efficient is a risky assumption. We should support any effort to make the intelligence agencies more effective, but one thing is certain: More money will not help. Of the $40 billion spent annually for intelligence, too much is spent on nation building and activities unrelated to justified surveillance.

There are two other lessons that must be learned if we hope to benefit by studying and trying to explain the disaster that hit us on 9/11. If we fail to learn them, we cannot be made safer, and the opposite is more likely to occur. The first point is to understand who assumes the most responsibility for securing our homes and businesses in a free society. It is not the police. There are too few of them, and it is not their job to stand guard outside our houses and places of business. More crime occurs in the inner city where there are not only more police, but more restrictions on property owners' rights to bear and use weapons if invaded by hoodlums. In safer rural areas where every home has a gun and someone in it who is willing to use it, there is no false dependency on the police protecting them, but full reliance on the owner's responsibility to deal with any property violators. This understanding works rather well, at least better than in the inner cities where the understanding is totally different.

How does this apply to the 9/11 tragedies? The airline owners accept the rules of the inner city rather than that of rural America. They all assume that the government was in charge of airline security, and, unfortunately, by law it was. Not only were the airlines complacent about security, but the FAA dictated all the rules relating to potential hijacking. Chemical plants or armored truck companies that carry money make the opposite assumptions, and private guns do a reasonably good job in providing security. Evidently we think more of our money and chemical plants than we do our passengers on airplanes.

The complacency of the airlines is one thing, but the intrusiveness of the FAA is another. Two specific regulations proved to be disastrous for dealing with the thugs who, without even a single gun, took over four airlines and created the havoc of 9/11. Both the prohibition against guns being allowed in the cockpit and precise instructions that crews not resist hijackers contributed immensely to the horrors of 9/11. Instead of immediately legalizing a natural right of personal self-defense guaranteed by an explicit second amendment freedom, we still do not have armed pilots in the sky.

Instead of more responsibility given to the airline companies, the government has taken over the entire process. This has been encouraged by the airline owners, who seek subsidies and insurance protection. Of course, the nonsense of never resisting has been forever vetoed by passengers.

Unfortunately, the biggest failure of our government will be ignored. I am sure the Commission will not relate

our foreign policy of interventionism, practiced by both major parties for over 100 years, to being seriously flawed and the most important reason 9/11 occurred. Instead, the claims will stand that the motivation behind 9/11 was our freedoms, prosperity and our way of life. If this error persists, all the tinkering and money to improve the intelligence gathering will bear little fruit.

Over the years the entire psychology of national defense has been completely twisted. Very little attention has been directed towards protecting our national borders and providing homeland security.

Our attention all too often was and still is directed outward toward distant lands. Now a significant number of our troops are engaged in Afghanistan and Iraq. We have kept troops in Korea for over 50 years, and thousands of troops remain in Europe and in over 130 other countries. This twisted philosophy of ignoring our national borders while pursuing an empire created a situation where Seoul, Korea, was better protected than Washington, D.C., on 9/11. These priorities must change, but I am certain the 9/11 Commission will not address this issue. This misdirected policy has prompted the current protracted war in Iraq, which has gone on now for 13 years with no end in sight.

The al Qaeda attacks should not be used to justify more intervention. Instead they should be seen as a guerilla attacks against us for what the Arabs and the Muslim world see as our invasion and interference in their homeland. This cycle of escalation is rapidly spreading the confrontation worldwide between the Christian West and the Muslim East. With each escalation the world becomes more dangerous. It is especially made worse when we retaliate against Muslims and Arabs who had nothing to do with 9/11, as we have in Iraq, further confirming the suspicions of the Muslim masses that our goals are more about oil and occupation than they are about punishing those responsible for 9/11.

Those who claim that Iraq is another Vietnam are wrong. They cannot be the same. There are too many differences in time, place and circumstance. But that does not mean the Iraqi conflict cannot last longer, spread throughout the region and possibly throughout the world, making it potentially much worse than what we suffered in Vietnam.

In the first 6 years we were in Vietnam, we lost less than 500 troops. Over 700 of our troops have been killed in Iraq in just over a year. Our neglect at pursuing the al Qaeda and bin Laden in Pakistan and Afghanistan and diverting resources to Iraq have seriously compromised our ability to maintain a favorable world opinion of support and cooperation in this effort. Instead, we have chaos in Iraq while the Islamists are being financed by a booming drug business from U.S-occupied Afghanistan.

Continuing to deny that the setbacks against us are related to our overall foreign policy of foreign meddling throughout many years and many administrations makes a victory over our enemies nearly impossible. Not understanding the true nature and motivation of those who have and will commit deadly attacks against us prevents a sensible policy from being pursued.

□ 1845

Guerrilla warriors who are willing to risk and sacrifice their all as part of a war that they see as defensive are a far cry philosophically from a band of renegades who, out of unprovoked hate, seek to destroy us and kill themselves in the process. How we fight back depends on understanding these differences.

Of course, changing our foreign policy to one of no preemptive war, no nation-building, no entangling alliances, no interference in the internal affairs of other nations, and trade and friendship with all those who seek it, is no easy task. The real obstacle, though, is to understand the motives behind our current foreign policy of perpetual meddling in the affairs of others for more than 100 years. Understanding why both political parties agree on the principles of continuous foreign intervention is crucial. Those reasons are multiple and varied.

They range from the persistent Wilsonian idealism of making the world safe for democracy to the belief that we must protect our oil. Also contributing to this bipartisan foreign policy view is the notion that promoting world government is worthwhile. This involves support for the United Nations, NATO, control of the world's resources through the IMF, the World Bank, the WTO, NAFTA, FTAA and the Law of the Sea Treaty, all of which gained the support of those sympathetic to the poor and socialism, while too often the benefits accrue to the well-connected international corporations and bankers sympathetic to economic fascism.

Sadly, in the process, the people are forgotten, especially those who pay the taxes; those who lives are lost and sacrificed in no-win, undeclared wars; and the unemployed and the poor who lose out as the economic consequences of financing our foreign entanglements evolve.

Regardless of one's enthusiasm or lack thereof for the war and the general policy of maintaining American troops in more than 130 countries, one cold fact must be soon recognized by all of us here in the Congress. The American people cannot afford it; and when the market finally recognizes the overcommitment we have made, the results will not be pleasing to anyone.

A guns-and-butter policy was flawed in the 1960s and gave us interest rates of 21 percent in the 1970s with high inflation rates. The current guns-and-butter policy is even more massive, and our economic infrastructure is more fragile than it was back then. These facts will dictate our inability to continue this policy both internationally and domestically.

It is true, an unshakable resolve to stay the course in Iraq or any other hot spot can be pursued for many years; but when a country is adding to its future indebtedness by over $700 billion per year, it can only be done with great economic sacrifice to all our citizens.

Huge deficits financed by borrowing and Federal Reserve monetization are an unsustainable policy and always lead to higher price inflation, higher interest rates, a continued erosion of the dollar's value, and a faltering economy. Economic law dictates that the standard of living then must go down for all Americans, except for the privileged few who have an inside track on government largess if this policy of profligate spending continues.

Unfortunately, the American people, especially the younger generation, will have to decide whether to languish with the current policy or reject the notion that perpetual warfare and continued growth in entitlements should be pursued indefinitely. I am sure the commission will not deal with the flaw in the foreign policy endorsed by both parties for these many, many years.

I hope the commission tells us, though, why members of the bin Laden family were permitted immediately after 9/11 to leave the United States without interrogation when no other commercial or private flights were allowed. That event should have been thoroughly studied and explained to the American people. We actually had a lot more reason to invade Saudi Arabia than we did Iraq in connection with 9/11; but that country, obviously no friend of democracy, remains an unchallenged ally of the United States with few questions asked.

I am afraid the commission will answer only a few questions while raising many new ones. Overall, though, the commission has been beneficial and provides some reassurance to those who believe we operate in a much too closed-off society. Fortunately, any administration under the current system still must respond to reasonable inquiries.

HAITI

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again, it is a great honor to address the House of Representatives and the American people on a recent armed services trip that I took to Haiti and also talk about Haiti and the U.S. relations as we move forth from this point on.

Many Americans understand the changes that Haiti has gone through and the Haitian people, but tonight I wanted to share a few things because

many times we hear on the news and read in the newspaper about what is going on in Port-au-Prince, Haiti; what happened today in Port-au-Prince, Haiti; what happened as it relates to government, a lack of a parliament and the legislature in Haiti; an interim government in Haiti; what is happening as relates to AIDS and HIV in Haiti; also, as it pertains to hunger in Haiti and transportation. I think it is so very, very important, since Haiti had so much to do and does have so much to do with our very own independence.

Haiti took part in helping us fight for our own independence. ''Us'' is the United States of America. There are many Haitian Americans that are playing vital roles not only in our government but also in our democracy here in the United States, and I must say that this is a very pivotal time for Haiti. So I would ask the American people and Members of the Congress to just take a moment and pay attention to some of the things that I would like to share with my colleagues this evening to talk about this country, and I am going to have a map put up here beside me talking about why it is important that the United States of America plays a very strong role in not the rebuilding of Haiti but the building of Haiti, a country that is comprised of people that work every day, a country that wants to continue to move forth as a democracy, and I am going to address that. I am going to continue to address the issue of democracy because democracy is very, very important.

As my colleagues know, many thousands of miles away from the United States of America we are working hard to create and to also maintain democracies throughout the world; but I will tell my colleagues, as it relates to Haiti being in our own hemisphere, being the poorest country in our hemisphere, in the Caribbean, the very same Caribbean, I myself being from Miami, cruise ship capital of the world, many Americans and people throughout the world cruise the Caribbean for celebration, relaxation and sun; but Haiti that sits in the middle of our Caribbean, northern Caribbean, is a country that is in desperate need of assistance.

With the United States being the largest, most vibrant free society on the face of the Earth, the richest country on the face of the Earth, we are doing, in my opinion, more to Haiti than for Haiti; and that is the reason why we have to go through a paradigm shift.

First of all, I just would like to point out here, Haiti is actually only 600 miles away from the United States; and as we start talking about Haiti, we have to look at the Bahamas. That is up here. That is our friend and ally that has been really working with the United States as it relates to making sure that we not only stop the flow of illegal narcotics but also the flow of illegal immigrants to the United States of America. We have Jamaica down here that has also been very helpful to the United States in making sure that we fight the war against drugs and also illegal immigration.

I think it is very important for us to understand, 600 miles away, Cuba is actually 90 miles away, and we have many Haitians that are looking for safe harbor in the United States due to political persecution. I just want to talk for a moment, since we know exactly where Haiti is now and we know exactly where it sits as it relates to our own homeland security and where it sits as it relates to our responsibility of being able to assist Haiti as much as possible with the United Nations, I want to just share a few things with my colleagues.

Last Tuesday, I took the opportunity to travel to Haiti along with Senator BILL NELSON of Florida and also General Hill of SouthCom, who I think the commander of Southern Command is doing an outstanding job. He has a number of Marines that are there as a part of the international force to bring about peace in Haiti, and they are doing the best job that they can do under the circumstances. There are also French troops that are there in the north.

General Hill and I, we flew to northern Haiti. We actually flew to three cities in northern Haiti, and these cities are small cities but large as it relates to the population in Haiti.

The first place we traveled to was Fort Liberte, which is a city of over 5,000 people. French troops are up here securing this area of Haiti. It is close to the Dominican border, and there are a number of poor individuals there that are mainly fishermen and peasants. We walked through the streets of this city, dirt roads, and spoke to everyday Haitians; and I was stopped by a father that had two daughters that were dressed the same. They had matching umbrellas, in the heat of the day. This is Haitian time, maybe around 10:30, eleven o'clock. It was lunchtime. He was walking his daughters home, and I asked him how is life, through an interpreter, and he said, well, it is quite difficult because we have not had power in our city since December of last year.

Being from Miami and understanding hurricanes and disasters and power being knocked out, it is very difficult to survive. It is very difficult to be able to maintain some level of normalcy without having power and utilities; and that is so very, very important. It is an area that we have to make sure that we get more humanitarian assistance in the area of food, also in the area of clean drinking water; and definitely electricity should be provided up in this area.

We then moved from Fort Liberte that we see here over to Cap Haitian, which is also a border area. It is not a border area, but they have a port that is there, a deep water port that could be open for commerce, but right now the main business that they have now is humanitarian aid that actually comes in from that particular area. They have the World Food Programme that is there in that area that is providing meals every day. The population there is approximately 100,000 Haitians.

I met with representatives from the Catholic Relief Services and also the archdiocese of Cap Haitian and from the World Food Programme. I also met with local school educators, which it was a very good meeting that we had, also a representative from a local orphanage.

□ 1900

We met there at the airport, and I must say that when we met there, it was more like an airport hangar. And in that region of Haiti, it is still a very dangerous region. Rebel forces still control half of Haiti. Now, I am not saying that rebel forces are violent or not violent, but what I am saying is that danger is still present there in Cap Haitien and throughout certain parts of Haiti. Even though we have French troops in the area, there is still a level of danger that is there.

We met with the school representatives that were there, the principal of a primary elementary school and also a principal of a number of the high schools that we would call our ninth grade through twelfth grade experience. They both said that they have the issues of power. This is a major, major issue in this country, and Haiti has to have some level of commerce, some level of economic development to be able to help itself. And I think for very little investment from the United Nations and from the United States of America we can achieve that.

So we had the opportunity to meet for about an hour and 15 minutes while General Hill moved on, meeting with the French troops, making sure our coalition is strong there in order to provide the right atmosphere for another larger United Nations force to take over.

I also spoke with one of the representatives from the archdiocese of the Catholic Church, and Catholic Relief Services, and he spoke to me in Creole, and through an interpreter he said, Congressman, that is fine. It is fine that you are here. We are glad that you are here. But we have had other visitors from the United States of America, though this was the first time he said he had personally met with a Member of Congress. But people come and people go, and Haitians are used to hearing, using his words, oh, this is wonderful; and, yes, we will take our notes, and we appreciated the meeting, and we will be back. And he said many people board planes and boats, and they leave, and they never see them ever again.

But this issue of hunger, the issue of the lack of having the opportunity to build jobs, the issue of children needing to be educated are very important. This is a very fertile area for economic

development. We can put local peasants to work. And I am going to come back to that a little later on.

We moved from Cap Haitien by helicopter, a very mountainous area along this area between Cap Haitien and the city of Gonaives. Gonaives is an interesting city because this is where the rebellion started, right here in Gonaives, which many of the rebels are still there in that city. It is a very dangerous place.

The security responsibility of Gonaives is in the hands of the French troops that are there, and I commend those men and women that are there serving on behalf of the United Nations' international presence. I met with representatives of the CARE organization, which is one of the three to four providers that provide food through USAID, and he shared with me that, once again, energy, power, being able to keep the lights on in Haiti, in Gonaives, why power is so important; because, guess what, it generates clean drinking water.

They have four pumps in that city. Three of them work, but one of them needs repairs. These are very small things. These are issues that usually a city government or a county government may have an issue, and they appropriate a very small number of dollars towards repairing that, and the problem is solved. But fuel and petroleum is an issue in Haiti right now because of the lack of power. In Haiti they have to use gas generators, which is very expensive, so this means some days the pumps work, and other days they do not work.

They also provide meals for 60,000 people in this city of 200,000 people, which he said they can do a lot more. It is 70 miles northwest of Port-au-Prince, Haiti. Now, one would say, why would you have to travel by helicopter? Well, Haiti is a very mountainous area, and the roads in Haiti, if Americans have experienced a dirt road experience, magnify that by 10 times. The best built road in Haiti was built by the United States Army Corps of Engineers in 1994. So it is very, very difficult to travel from Port-au-Prince to Gonaives.

We returned back on that Tuesday, back to Port-au-Prince, and flew back to Miami, Florida. Senator NELSON flew back to South America on another mission. The reason why we could not stay overnight in Haiti, my colleagues, was due to the fact that they still have a departure order in Haiti. It is that dangerous. It is so dangerous that even myself, a Member of Congress, not only had U.S. Marine security but State Department security on top of that and Haitian national police security.

Imagine. I can walk down the streets of the United States of America, even here in Washington, D.C., without security. I might be a little security-conscious, but without physical security, and without M–5 semiautomatic machine guns, but I cannot stay overnight in Haiti. The State Department will not allow me to stay overnight in Haiti. So imagine some who may feel any credible claim of fear or persecution, imagine what they may feel without security, without having armored vehicles to ride around the streets of Port-au-Prince in.

So we flew back to Miami Wednesday, stayed there, Thursday returned back to Haiti and spent that day, all day, in Port-au-Prince, and met with the USAID mission that is there, Director David Adams, who I believe is doing an outstanding job. And I want to say not only to his staff but to the administrators here with USAID, you could not have a better, more committed staff in Haiti than what you have under the leadership of Director Adams. He is emotionally attached to the work. But they need more resources to be able to do the things they need to do to develop jobs in Haiti, and I will address that in a few seconds.

I think it is important for us to remember that we have a lot of people doing great things in Haiti, but more needs to be done. We met with nongovernmental organizations from Haiti's southern claw.

Now, let me just point out the southern claw of Haiti. This looks pretty much like a lobster claw or a crab claw, but this is the southern claw. This is Port-au-Prince, Haiti, the capital, where the Presidential palace is located. You hear a lot about events taking place here. Port-au-Prince, Haiti, is the most populated city in Haiti, and it is its nation's capital. There is the southern claw, along this area here, south of Port-au-Prince.

This southern claw is not secured yet. This southern claw is still controlled by rebel forces. This southern claw is where many Haitians are hungry. This southern claw is where there is no power at all to be able to stimulate any level of sensible adult education, any level of humanitarian assistance. Everything is run by generator in the southern claw.

We have to remember that because I am going to talk a little about migration and the reason why Haitians leave Haiti. And I think it is important that we remember and we set the stage for the environment that they have to live in and the environment that we allow them to live in, because they are the poorest country in our hemisphere. We seem to have more interest in areas thousands and thousands of miles away, while we have this democracy, as shaky as it may be, with hungry, starving people, and very little assistance from the U.S. or from the U.N.

This is an area that can be very vibrant and prosperous, much more prosperous than what it is right now. Prosperity is only in pride in Haiti. There are very few numbers of individuals that have wealth in Haiti. The average per capita income of the everyday Haitian is a little bit over $400. That is a year; $400 in U.S. money is the per capita income for the average Haitian. And we will talk about that a little later.

But there is only one road down into the southern claw, my colleagues, and that road is not a secured road. The CMOC that is located there, which is operated by Southern Command, provides the very gateway or security for humanitarian efforts to make it to the southern claw and some parts of northern Haiti. The U.S. has security responsibility for Port-au-Prince only at this particular time. There are plans to move into the southern claw to be able to provide the kind of humanitarian assistance and health assistance that is needed there.

CMOC is an acronym which stands for the Civil Military Operations Center. This center was once located in 1994 when the Army was there, the 82nd Airborne. CMOCs are set up in many areas in Iraq, which has the largest CMOC. The CMOC in Haiti is a very small operation, and it brings together nongovernmental organizations where they work hand in hand with USAID.

Once again, the staff that is down there at that CMOC, which is mainly run by a gentleman that is a reservist, a colonel, is doing an outstanding job there. I met with Major Ray, who gave us an overview of the activities of the CMOC there, and my hat is off to those individuals, those patriots that are trying to provide just common things for the Haitian people and the plans they have there of being able to try to assist Haitians restore some level of health care in Port-au-Prince, and also making sure that nongovernmental organizations have a way to be able to carry food and the necessary cooking oil, things of that nature, to the southern claw of Haiti. I commend them.

The United Nations Development Program office tells me that the residents there are really looking forward, and they are continuing to engage the citizens of Haiti as it pertains to learning more about how the United Nations can play a role in humanitarian and economic development there. I would use the philosophy of not giving fish, but teaching how to fish. But I must say to the American people and to Members of Congress, the Haitian people are very creative people, so we do not necessarily need to teach them how to fish, we just have to provide the very essentials for them to go ahead and move forward with their entrepreneurial spirit to provide jobs in Haiti.

I want to share with my colleagues a few more facts about Haiti, and then I must talk about immigration, because that is the main thrust of the interest of our country. It seems to be the main thrust of the administration, any administration, because of illegal immigration and those individuals who take to the sea, and who our Coast Guard rescue many times.

I showed this map that had Florida in it. It is 600 miles to Florida from Haiti, and 90 miles from Cuba. When I was flying over in either a plane or helicopter, 20 feet out of shore, and many of the Members of Congress who are sports enthusiasts or are into water

sports or fishing can understand what I mean when I say the deep blue water, it was deep blue water. That means that once you fall in it, you cannot touch the bottom. We have lost thousands, not hundreds but thousands, of Haitians trying to escape political persecution in Haiti.

I commend the Coast Guard for the work that they have tried to do to prevent the loss of life, but they also have a job to do, and they have been ordered to do it and they are doing it. I will also talk about that.

First, however, I want to share a little about the U.S. involvement. The reason why I am here today is to make sure that we have a paradigm shift in our policy as relates to Haiti. The U.S. involvement goes back to 1915 and 1934, when we occupied Haiti. The U.S. helped set up the Haitian Coast Guard. We built the embassy there during that period. We built the ambassador's residence during that period, and Ambassador Foley, James Foley, I believe, is trying to do the best that he can do under the circumstances.

□ 1915

He is going to need the help of this Congress to be able to carry out the effort in Haiti.

In 1994, the U.N. multinational force, led by the United States of America, military intervention eventually worked towards the return of President Aristide. We were there for a very short time. I must say a lot was done during that period, but not one U.S. soldier lost his or her life during that period because, contrary to what one may hear on television or read in the paper, the Haitian people are very peaceful. There are a few that create thuggery in Haiti and give Haiti a black eye that it does not deserve.

On February 23 of this year, the U.S. sent U.S. Marines to secure U.S. facilities, which was a fast response team. In March 2004, as a part of a U.N.-backed force, the United States, Canadians, French and Chileans restored and maintained order of Haiti. My hat is off to those individuals who served. We had a Marine injured in an ambush. Marines returned fire, and three or four individuals have been killed that have tried to attack our men and women in uniform.

Secondly, as it relates to power in Port-au-Prince alone, the capital city, the largest city, the Marines and SouthCom, and once again I cannot say enough about them and what they are trying to do there, did an assessment of the needs of electricity in Haiti because it means so much. It goes towards the security of Haiti. Just imagine if you did not have lights in your neighborhood, what kind of safety, what kind of level of safety would you have in your neighborhood, let alone a sense of community or a community that would like to thrive. This was done by SouthCom, this report here that was given to the Prime Minister, saying his number one goal should be to ask for international assistance to get their energy facilities up to date. This can be done for $1.8 million.

When we look at the size of Port-au-Prince, and for Members who are engineers, you know for $1.8 million that is a very small price tag to repair the power resources in Port-Au-Prince alone. Port-au-Prince, Haiti, is not just the capital city; it is the heartbeat of the economy of Haiti. It is also the area we have to secure.

There is a city called Cite Soleil, which is more like what one would call squatters. They are tin roofs. In the country and heartland of America, you may have a barn with a tin roof. That makes the four walls and the top of the houses in Cite Soleil. Some of the most violent gangs are in the Cite Soleil. It is important that we understand that we have to provide power or have to make sure they have power in this city because usually when the violence starts, it starts in Port-au-Prince, Haiti. That is why we hear so much about Port-au-Prince, Haiti. We should be hearing about the hard-working people in Haiti, but we will not hear that unless we target to restore and repair power there.

There are U.S. corporations in Port-au-Prince in the industrial part, which the HERO bill here in this Congress, represented by Members in this body and the other body, to provide not only trade opportunities with Haiti, but to also generate jobs within Haiti. One of the main cities that would benefit from that would be Port-au-Prince, Haiti.

I think what is also very, very important for us to discuss here is the issue of immigration. This is the very center I believe of the reason why we have to do the right thing now. There are a number of issues that are going on here on this island. We also have the drug trade, not Haitians growing poppy plants. Haitians are not growing marijuana plants or any other thing that may create some sort of illegal substance or illegal drug, but because of the lack of an economy in Haiti, drug lords have found not safe haven, but an opportunity to thrive as a point where they can take their drugs to move to the next area.

I want to bring my other chart back up because I think it is important that we understand what we are dealing with here.

We have Haiti here and within 600 miles to Miami, Florida. It is maybe even a shorter distance to Key West and what we call here the Gold Coast. As we see the Bahama islands, and there are over 700 Bahama islands, we have Cuba here. Drug dealers try to find some way to work in Haiti due to the lack of an economy. If we want to head off what we are dealing with in Colombia and some other parts of the southern hemisphere, we should do the right thing as it relates to the economy.

But also what comes along with drugs is, what, violence. What happens especially when you do not have police, when you do not have individuals that are provided jobs, then you will have a very small population of individuals that are gangs that will take control and will arm themselves and will end up giving the government the problems that they have now.

I said I was going to go back to the Coast Guard, and I think it is important. I do not want Members to feel that the Coast Guard is doing something wrong; they are doing everything right in my opinion. They are doing what they are told. Being a member of the Committee on the Armed Services, the Coast Guard carries out their orders. They report to the committee I serve on as it relates to the Select Committee on Homeland Security; but as it relates to U.S. policy towards Haitians that are interdicted at sea, it is not just, it is not fair and it is a violation of international law, period. No qualms about it.

Let me just share something with Members. This is not even what has happened over the last few years. The Coast Guard in January of 2004 intercepted and repatriated 113 Haitians. In February of 2004, they intercepted 1,076 Haitians, but only 11 out of 1,076 Haitians actually were found to have a credible claim of fear of persecution. Eleven out of 1,076. That means 1,065 went back to Haiti, and they were repatriated in Port-au-Prince. A lot of them were leaving because of political persecution. They were paraded right through Port-au-Prince. Many of them left from the northern and southern claw of Haiti, trying to escape political persecution; and they were repatriated. We do not know if those individuals made it home or did not. It is a violation of international law for us to do that.

Now, I said that to say this, what is important for us to do here in this Congress, the most important thing that we can do is to make sure that we appropriate the necessary dollars, just like we appropriate throughout the world. We have Members saying we have our own issues and we have the deficit and other things. Let me say I am overly concerned as relates to the deficit. I do not take pride as it relates to being in the 108th Congress, and history will say I was in Congress when we had the highest deficit in the history of the country, the history of the Republic. But at the same time we are giving international assistance to other countries, in the billions and in the millions. Haiti is slated to receive in the millions, a very small number as it relates to the big numbers that many of the other countries are receiving.

There will be an appropriations amendment to ask for $50 million for Haiti. The President has asked for $20 million, and some of that is in in-kind contributions, not necessarily hard dollars. It is important for the U.S. to be able to appropriate more than what the President has asked for for Haiti for two reasons. One, we cannot carry out acts of repatriating over 1,076 Haitians

and say there is no real reason, you are leaving for other reasons. The 11 that had credible claims of fear, they are not in the United States; they are in Guantanamo Bay along with the terrorists from the Middle East, the enemy combatants that are jailed and are an issue before the Supreme Court right now.

So if we do not want Haitians coming over to the United States of America, if we do not want Haitians risking their lives, and we no longer want to see on the nightly news 300 Haitians falling in the middle of the Gulf Stream, and one may see with the Gulf Stream right off the coast of Florida where they will go on and on and we will never find these individuals, if we do not want that to happen, we should have more thrust to make sure we do right in Haiti. I want to say it is very, very important that we do this.

Mr. Speaker, I will be leaving, along with a bipartisan delegation, at 7:20 a.m. from Andrews Air Force Base to fly to Haiti and meet with Haitian government officials, those who we may call stewards of democracy at this time. But it is a very, very important message that we are sending to the Haitian Government, and that is they have to rule with a level hand.

To the ministers, the Prime Minister, I have not met with the President, maybe we will do that tomorrow, but it is important if they are going to set out warrants for members of the Lavalas Party and for the Aristide government, the interior minister has already been jailed of the Aristide government, if you are going to do that, I have no qualms about you carrying out the rule of law. But if you are putting out warrants there, you have to put out warrants for the arrest of individuals who are in the rebel forces and other parties that we know and they are known criminals and are carrying out daily acts of thuggery throughout Haiti.

There are some Members in this body that will cut off dollars, assistance dollars, if the Haitian Government does not stand for equality in making sure that we have security for all Haitians. The backdrop of American people is making sure that we set forth an environment for elections. Right now in Haiti they do not have this democracy that we celebrate here this evening, this Congress that allows representatives from different parts of Haiti to come to the capital to represent their constituents.

□ 1930

They no longer have a parliament. They no longer have an elected president. They no longer are able to have mayors in their cities. Many of the cities are mayorless, without leadership; and so it is important that we set the security stage, that we help Haiti set the policy stage of making sure that we are able to have those elections so they can move forth.

So on this 200th bicentennial of Haiti's history and future, this country that was one of the first countries to get its own independence, Haitians. I share with the Prime Minister, who is a Haitian who was living in Boca Raton, Florida, in my State, that his role in this government in this time in this place will speak for the next 200 years. By the agreement of the Prime Minister's being in the office that he is in, he can no longer run for office in Haiti. He cannot run for office in Haiti. He cannot move on to the next government that hopefully will be elected. He cannot take part in that. So he has an opportunity to be an honest broker. The people around him in the ministry have an opportunity to be honest brokers of making sure that Haitians get a fair opportunity to have power, to be able to stimulate an economy in Haiti, and to be able to work with the international community to provide the kind of assistance that the Haitian people deserve.

Mr. Speaker, if anyone has traveled to Haiti, and I will tell the Members right now, it cannot help but pull on their heart to see people living under those circumstances and those conditions to do the things that they do day in and day out, to lay flat down and attend house that is clean, which may be the ground but it is swept, living under those conditions of not being able to have the clean water that they need, having electricity, but every day they try to send their children to school. Ninety-five percent of the schools in Haiti are privatized. USAID is building schools. We commend them for that. But the missions and things of that nature are providing an opportunity for them to educate themselves. But I can say, Mr. Speaker, that it is so very important.

So if we are concerned about Haitians coming to the United States illegally trying to escape political persecution because of thuggery in their local town or city, then we should have an effort here in Haiti to make sure that we provide the best environment possible for this country.

We are providing food, yes. We are providing medicine, yes. Are we helping Haiti as it relates to HIV and AIDS? Of course we are. But those are issues of providing fish, not providing the resources so that they can go and fish for themselves.

There are some countries that we have been in in Europe since World War II, Mr. Speaker. It is important that we do it right this time so that we do not have to deploy U.S. troops, so that we do not have to call in Reservists to go because our military is stretched too thin, so that we do not have to have emergency orders through the Security Council at the UN. It is very important.

The gentleman from New York (Mr. MEEKS), no relation to me, also represents a large concentration. I have the highest concentration of Haitians in my district, Haitian Americans. He has the second largest in New York.

I yield to the gentleman.

Mr. MEEKS of New York. Mr. Speaker, I thank the gentleman from Florida (Mr. MEEK) for his leadership and for his courageous battle to make sure that the people of Haiti are not forgotten, and that is really what this is all about, and that is why the leadership of the gentleman from Florida's focus has been not on the politics, not on what is in the best interest of this one or that one. His focus has been on what can we do for those people, those average everyday citizens that live in Haiti who have dreams and aspirations just like we do, who all they want is for their children to be able to have a better life, to be able to get an education, to be able to go to work to provide a living so that they can have a family themselves and live a life that is a life that is free of violence and that is free of the deprivation of food and human rights violations. And that is what this is really all about. It is about people.

And I am going to travel with the gentleman because he is going, and I know there is a bipartisan CODEL that will be leaving for Haiti tomorrow morning, and I have decided to change my schedule based upon his courageous trip that he has already taken, that he already visited, and he has gone out to not just the big cities. He has gone out to the side roads. He has gone out to the rural areas. He has gone out to where the people are.

And I want to just get a chance to get a feel of that so that we can make sure when we come back here that we can implement a kind of program and a kind of attention on Haiti that does not last just for 6 months, just for 1 year or 2 years, but something where it is sustained, 10, 15, 20 years, to establish a true and strong democratic institution, not for the United States of America, quite frankly, not for Canada, not for France, not for anybody else, but for the people of Haiti, that little country that is connected to the island of Hispaniola. We need to make sure that we do something for those people, and I just appreciate the gentleman's leadership on that.

Mr. MEEK of Florida. Mr. Speaker, I just want to say to the gentleman from New York (Mr. MEEKS) quickly that I appreciate his speaking out not only here on the floor of this great House of Representatives but also speaking out in the halls of Congress. As the gentleman knows, we partner in a bipartisan effort to try to do what is best for Haiti. Regardless of the politics, regardless of who is in control, we are supporters; and I know that he joins me in that, of democracy. And the only way we are going to get to truly elect a democracy is making sure that we bring the level of safety, number one, up in Haiti; number two, set the real stage for elections, which the United Nations is going to play a role in it.

And I am glad that he points out the fact that we are not trying to impose anything on the Haitian people. We want to make sure that we are there to be the bridge for the Haitian people to

move forth and elect its government. And the interim government that is in there that, I must add, cannot continue on past the 2005 elections, that is in the agreement, that they have the necessary tools to be able to provide some of the things that I talked about here tonight. But it is good to have not only a partner like the gentleman from New York but someone who is willing to look at the big picture on behalf of the Haitian people. That is just the bottom line.

Mr. MEEKS of New York. That is it, Mr. Speaker. I think if we do not create the kind of democratic institutions and help them go along, and not just America, I think that he said it absolutely right. Not just us, but with the help of the United Nations, with them involved, so that we can create a climate of security. Because only if they have security can they have elections, and then only with elections can they have a true democratic government. And I do not like to get into these comparisons to Haiti and Iraq and things of that nature. We know that there are substantial differences. But one thing that is clear is there is a question as to what people of Iraq want and wanted. There is no question as to what the people want. Yes, they want us and they want the United Nations there to help them. They are begging for us to do this. So this is not something that is imposed, and they are just saying, if you give us the window of opportunity to create a secure environment, we know what we want to do and we just need that kind of help, not just for a day or for a week, as I said, but where it is a continuous help, and just help us get on par with the Dominican Republic, for example. Forget being another United States.

Help us so that when it is time to negotiate trade agreements when we are doing the FTAA that we as a country can take advantage of it and we can create the jobs. As the gentleman appropriately said, we can fish on our own.

So we are moving now. We have got the FTAA coming. We have got some other pieces dealing with the Caribbean Basin Initiative. We have got various other trade agreements. And if we do not help now, these people could be left out. But if we help now, they can be included in. And guess what? It will be short-term pain for us for long-term gain for everybody because then they will not be dependent upon us. Our troops will not be necessary there. They then will become a prosperous neighbor, and we do not have to worry about people coming over in a boat trying to get to our Nation, trying to flee an island that should be one of the most beautiful islands in all of the Caribbean. That is what this is all about.

Mr. MEEK of Florida. Mr. Speaker, they have some of the best beaches in the world, and the cruise ships used to go there all the time. Now there is a little small part of Haiti on the northern tip that is gated, secured, and they go there.

Does the gentleman from New York wish to share with us anything else this evening? Because I am going to close because I know we have an early morning and we have other Members who have to address the House.

Mr. MEEKS of New York. Mr. Speaker, I will close with this: I will follow his leadership. He has been a great leader, and I think that the people of Miami, but more importantly, the people of Haiti, are well served by his leadership. I think he is doing this not in a political way, but in a bipartisan manner; and I look forward to being with him in the morning.

Mr. MEEK of Florida. Mr. Speaker, I cannot tell the gentleman how much I appreciate his saying that. I hope my mother was watching, who is a past Member of this body. Hopefully, she will see how important and how my colleagues think of me. I thank the gentleman from coming down.

I just want to say this very quickly in closing, Mr. Speaker, that it is very important we do what is right on behalf of this Nation. It is very important, if we are going to have a policy and interdict Haitians at sea and we want to save lives so that the Coast Guard will not have to pick bodies out floating face down around the waters of Haiti and between the United States of America that we provide the kind of atmosphere for economic development, and I would also say to the Members that it is vitally important that we continue to pay very close attention in a bipartisan way and do what is right on behalf of this nation that helped us fight for our independence.

TAXES AND THE IRS

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to address the body and an opportunity to address the American people. This period of time that we have here this evening is a way to get a message out that sometimes does not get out. I also appreciate the remarks by the gentleman from Florida with regard to Haiti and promotion of freedom not just in this hemisphere but around the world. I think it is something we all agree with.

I would like to start out tonight by talking about an issue that is fundamentally important to the United States of America from an economic standpoint, something that I think affects us not just fiscally but socially and how we develop ourselves as a Nation, and I think it is an issue that will establish our American and national destiny for a long time to come.

We sit today with a lot of years of experience with an Internal Revenue Service that is too big, it is too intrusive, it injects itself into our private lives, and it slows down our business and our commerce. So I want to start out with how I got to this point, and I want to conclude with why we ought to eliminate the entire Internal Revenue Service code and why we ought to eliminate the Internal Revenue Service entirely and why we ought to give people back their freedom and why we should cease taxing our productivity and remove the first lien that exists on everyone's wages in this country and replace it with an opportunity to decide when they pay their taxes when they go and purchase.

So for me it works in this way: in 1975 I started up a business. I went out and bought a bulldozer and began doing custom work on farms, building terraces and dams and waterways. And as I did that work, all I really wanted to do was simply run my business, provide a service and collect a fee for that and pay my bills and raise my family. That was the American dream. Maybe I was simplistic in my aspirations, and maybe I should have realized how complicated it could get. But as the years went by, I began to realize that I did not get to spend every waking moment, I did not get to spend every sunshine day out there doing something productive, working and moving earth and preserving soil and water quality. Instead, there was a day I finally had to pull in and park a machine on a sunny day and go in and start filling out more Federal forms.

On that first day that that happened that I could not any longer have energy to meet the Federal regulations at night or on rainy days or on weekends or on Sundays, that was the first day I lost real productivity in our small little business.

□ 1945

Well, it was also about the time that I was audited for the first time by the Internal Revenue Service, and I thought I had that behind me. A couple of years later, along came another audit. The second audit was for the year 1979, and I remember that clearly. The IRS did let me know that they wanted to do an audit on a certain date, and I accommodated them in every way possible.

But we did not have copy machines in those days, and I did not have staff in those days that could pull these records out of my files. I had done the records myself, I had built the bookkeeping system that I had, and it was accurate, and it was precise, and it was thorough, and I had excellent records, and I could document where every single penny went without hesitation.

What I did not have was a copy machine where I could have copied a lot of records, handed them to the IRS and said, I will come back and see you tonight when the sun goes down, and we will see if you need any more information for your audit tomorrow.

So I made a decision that I would not allow them to rummage around in my files, pull records out. They did not know my filing system. I could not be assured that they could put them back

in the filing system the way they were. Not being able to copy them in any efficient fashion without a copying machine, I insisted that I will sit here with you, and any record you want, I will pull it out of the file. I will show it to you, you can take your notes, do your documentation and due diligence. Then when you are finished with those documents, I will put them back in my file and get you the next ones.

So I did that. I did that for 4 days, 4 days of being scrutinized by the Internal Revenue Service, believing all the time that I had done everything within the law, everything exactly right, not just legally but also ethically, filed my taxes on time, paid my taxes. And at the ends of 4 days, 4 days of lost productivity, the IRS agent finally sat down with me, and we went through these numbers that she had evaluated.

There were subjective decisions that were made, and I got hit for a loss in interest, in penalty and principal for taxes that to this day I do not believe that I had a legal obligation to pay, but if I had gone to court to defend myself against this behemoth of the IRS, it would have broke me.

I could not afford any more days of not being out making money, because I had bills that I had to pay, so I made a very, very difficult decision for me, and that difficult decision, for a person who believes in standing on principle, almost no matter what the cost, I made the decision that the principle of preserving my business was more important than the principle of going to court to defend I will say the subjective and arbitrary decision by a single IRS agent.

So, I had to set up a time payment, but I paid the principal and the interest and the penalty, and it hurt financially, but it hurt a lot more as a matter of principle.

So here I was, starting a business, creating jobs, doing the things that are within the parameters of the American dream, and I was being punished and penalized by an IRS service.

So that next day, on the fifth day when the sun came up, I went out to work, climbed in the seat of a bulldozer, and I began to build terraces. Well, there it is not the most exciting and thrilling thing a person can do. I have enjoyed a lot of it and built many thousands of feet, but while you are there, you are looking at the top of the hill, the machine is loud so you cannot have a radio, and that means that there is no entertainment there except what work is in front of you and what is going on around you, which is not a lot, and what goes on, the entertainment and the things that go on in one's own mind to keep you entertained.

Well, it was not entertainment that I was after. I had smoke rolling out of my ears from the IRS audit. So I began to day by day think about how do we go about eliminating the IRS? I mean, I did not work up to that premise, I just started with here is a basic premise, I wanted to eliminate the IRS.

I came to that conclusion from the beginning and did not consider the political difficulties of that. I simply considered what the world would be like if we had our freedom back and if we did not have this intrusive agency that was entering into my life and obstructing this thing, that all I wanted to do was run the business and raise a family.

So, day by day I sat there and began to think, well, we would have to replace the revenue. If we eliminate the IRS, how do we replace the revenue? And it did not take very long. I looked at what about an excise tax? What about import-export duties? What about user fees?

And it does not take very long of considering those alternatives before one can easily conclude that you cannot raise enough revenue in that method to fund this large Federal Government that we have, and the only alternative to eliminating the IRS and eliminating the tax on our income would be to establish a national sales tax that would be established at a rate all across this country, for 100 percent of the sales and service for the last retail stop for the dollar.

So I began to work that through, and I worked it through day by day, hour by hour. And I looked forward to going to work every day so I could sit there on that dull bulldozer and think about how we could get rid of the IRS. That was in a way my therapy. I had no idea in 1980 I would end up in the United States Congress in the year 2003 and 2004 and have an opportunity to come here and advocate for something that had taken place clear back then, that 20-plus years ago.

But that was what was taking place. Many days I was establishing a philosophy for a lot of things, not just the taxes. But as I worked through the problem of resolving this and eliminating the IRS and replacing the revenue, I asked question after question, the devil's advocate question of what goes wrong when we make a decision like this? How many things will change? What do we do about people that smuggle goods over the border to avoid the tax? What do we do about tax evasion? How do we get the States to comply? How many States already have the tax policy?

Well, I worked those things through, and I worked every one of the questions that I could come up with over weeks and weeks. I worked that all through in my own and had an answer back for all those questions that I could ask. And yet I would stop in town, the first one in the coffee shop in the morning, and the next one that would show up, I would begin to talk with them, what do you think about eliminating the IRS and going to a national sales tax? Nobody had thought of it before. It seemed like a concept that there should have been a few million people thinking about, but I could not find anybody that had thought about it before.

So as I went around my circle of friends and coworkers that I had and associates, I could get them to answer me, and it would be things like, well, I do not know, but it must not be a good idea, or we would be doing it.

I had all the answers to everything I could think of, so I would go to the library and look. I could not find anything on eliminating the IRS and going to a national sales tax. I thought there must be some economic study. I did not have the Internet, so I could not simply do a Google search and come up with whatever has happened out there in the Library of Congress. It was not available.

Finally, after weeks of trying to find a conversation with someone who knew something about this, someone who had at least thought about it before, had an opinion on it after I told them what I worked on, and trying to find some research, I finally told myself, well, Steve, you know, this makes ultimately so much sense to me that it should make that much sense to everyone else. Surely the rest the world must intuitively know what is wrong with it, they know that, and it is something I simply cannot comprehend or figure out, so that is the only reason why we are not doing it.

And I put it on the side shelf of my mind. I never put it away, it was always something that was there, but I was not as active on it for a number of years. But I always wanted to get rid of the IRS, always believed it was the economic stimulus, and I always believed there was a solution to any problem that anyone could raise that might be a reason not to move forward with what today is the bill that we call Fair Tax, or H.R. 25.

Well, this took place and began in 1980, and as those years unfolded, along about 1993, I get mailings that come into my office, and I always send out a little letter, make a phone call, so publications would come in, and I would send off for a book here and there.

As I built this little private library at home and this filing cabinet at home of all the things that interested me, which, again, was the foundation for the philosophy that I think gave me this great privilege and honor of serving in the United States Congress, I saw an advertisement for a book that caught my eye right away, and the name of the book was Fire the IRS.

I ordered this book, Fire the IRS, by Dan Pilla, copyrighted 1993. As I devoured this book, word by word, page by page, read it through forwards and backwards, marked it up and highlighted it, Dan Pilla had documented all of the things I had considered and more, and he also had some words for us from some economists. Dan Pilla was an IRS officer who understood this clearly.

This book, by the way, has been in my bookcase now for almost 10 years without me touching it until just a couple of days ago, I happened to see it peeking out of the rest of the books,

reached in and grabbed it. There was a reason why it popped out and into my hand.

But this book, Fire the IRS, by Dan Pilla, documented all of these things that I believed, and it gave me confidence that I had gone down a path that really was a legitimate path from an economic standpoint, a legitimate path where the best economists in America could stand up and defend a philosophy like this.

Now, I have only raised one issue with the IRS, and that is the intrusiveness of it and the burden of it. But we have a huge burden with the Internal Revenue Service, and it is not that they are not good people working for the agency. They have their job to do, and I do not take issue with that. It is that we need to establish good public policy here. We need to take the load off of tax collection.

It adds like this: When you add up the cost of funding the IRS, paying their wages, their overhead, their buildings and all the maintenance on those buildings, and their transportation, and all the things that go on to fund the IRS, you take that number; then you add up all of the dollars that we pay our tax preparers that take the data that we give them and put it together in a report that goes to the IRS and its tax filing, you add up that number; and you add up the number for all the tax lawyers that are out there that are working with tax avoidance, and that is the legal term, working for tax avoidance, and it is legal, the costs we are paying them; and our accountants, all the people that compile and process that data that gets that April 15 date turned in; and then you add to that the loss of income for people that have decided that my tax rates are too high. I do not want to work any harder this week. This 40 or 50 hours a week I work and this offer of 10 extra hours of overtime, I am not going to take it up, I am not going to do the overtime because I do not get to keep enough of the money that I earn. The IRS takes too much of it. So they make a rational decision, and they decide I am not going to work the overtime or I am not going to make the extra sales calls, or I am not going to start up that production line on my plant I have going here, because I can make the same cash flow, and I am happier living on the income I have got, rather than taking on all of the responsibility and burden of trying to make a little more money with the IRS taking a bigger and bigger chunk out of it as you go up the ladder. So, the people make a rational decision and decide, well, I am going to pick up my golf clubs or my fishing pole and take a little time off. There is nothing wrong with that either.

But when you add up all of these costs, all of these costs, 1985, by an economist in this book called Dr. Payne, $720 billion a year, that is with a B, to fund the IRS and the revenue shortfall that is there. He also has calculated that for every $100 collected by the IRS, it costs another $65 to collect that $100.

But if it is $720 billion in 1985, and I have not extrapolated the inflation factor on this to take us to the year 2004, but $720 billion, and we would know it would be substantially more in today's dollars, but I will tell you it adds up to over $1 trillion a year because of the inflation factor on the $720 billion.

And another factor that is so huge in its implications that there is not an economic model that can evaluate that, and that is what happens to these millions of people that are out here collecting data that goes into the IRS and into the tax policy? There are millions of people out there that at least in part, and of them as a whole, make their money with taxes. Those people would go to work in the productive sector of the economy as opposed to the nonproductive regulatory sector of the economy.

So you add up all those numbers, the $720 billion from Dr. Payne by 1985, add an inflation factor to that, and then add to that the economic impact of the people that are now in the regulatory sector, the nonproductive sector, and they would be shifted over into the private sector, the productive sector of the economy, it is easily over $1 trillion a year the size of the anchor we drag along behind this ship chugging along here, which is our Nation's economy.

We are dragging that anchor across the bottom, and that anchor is at least 10 percent of our gross domestic product, and probably significantly more than that. We have about a $11.4 trillion economy, and over $1 trillion of it is the burden of the IRS. If we eliminate them, we can cut the chain on that anchor, and we can sail this economic ship free, and it will sail pure, and it will sail fast, and we will do a lot of good things.

Now, one of the things that we have is a negative balance of trade. Today our balance of trade is a minus $503 billion a year. That means when we are buying $503 billion more of goods than we sell to foreign countries. Foreign interests then own half a trillion dollars of our assets more every year. Each year that goes by, that number gets bigger, and they own more and more of the United States of America.

We cannot go on indefinitely mortgaging our assets and letting them be held as collateral by foreign interests because we have got a negative balance of trade. We need to turn that to the positive.

If we are able to pass H.R. 25, the Fair Tax, and if we are able to substitute then for that tax a national sales tax, consumption-based, that means that we untax all of these entities out here that are paying income tax today.

Now, it might come as a shock to some Americans that corporations do not pay taxes. Does it sound outrageous? Corporations do not pay taxes. They send the check in, all right. They fill out their tax forms, all right. But they do not really pay taxes. No one in this place has ever been able to figure out how to get a corporation to actually pay a tax.

They have to pass the tax through, and they pass it through to real people. People pay taxes; corporations do not. So we untax corporations. We do not ask them to go out and collect them anymore, is the essence of it. By the way, many of them are spending hundreds of millions of dollars just filling out the forms and paying their attorneys to do the tax, the legal tax avoidance.

□ 2000

And it is so effective that 61 percent of our domestic corporations in America paid no taxes at all for last year, and 71 percent of the foreign corporations doing business in the United States filled out their forms but did not pay taxes.

So we are down to 40 percent, 39 percent of the domestic corporations, and 29 percent of the foreign corporations are all that are actually paying any taxes whatsoever. But, nonetheless, they are all passing it off to their customers. They are not digging out their asset base. So the cost in the goods of everything that we see on the retail shelf, the retail sales and service, that is the tax component that they are passing along to you, to the citizens of the United States, ranges from about 20 percent on up to 35 percent depending on how intensive their labor is and what their tax burden is.

And we can, by taking the tax off of our businesses that are providing the retail products and the service products, by taking that tax component out, that averages 22 percent. So that item that will cost you $1, 78 cents of it is actual cost of the production and 22 cents is the cost of the built-in tax. That is the tax, the corporate income tax and the payroll tax that they have to pay their employees and a few other assorted taxes that accumulate along the way.

If we quit taxing everyone's productivity, of course, we quit taxing corporate and business productivity as well. That means that the retail costs of goods go down by 22 percent. When that happens, that does a lot of great things. But what it really does with our balance of trade is it discounts the price of what we are selling to foreign companies, foreign countries by 22 percent.

So, for example, if we have a sign up like everybody else, back when I did the math, gas was $1.50. So if we put our neon sign up that says gas is $1.50, our competition overseas, they are selling theirs at the same price, we are selling goods into foreign countries as far as we can compete and no further. When we cannot get the price down any lower or the label of the United States is on it, that is the static line by which we are not going to sell any more goods overseas, and that line is different for

every commodity, and it is different in every country; but it is competition that sets that line. We can get an advantage by untaxing the cost of the products made by American companies. Taking the burden of that tax out, that will bring the cost down by 22 percent.

So now both of us today have a sign up that says gas is $1.50; ours go to $1.17. That is the equivalent component now for our competition for our prices of the goods that are going overseas. And it also it says ''Made in America,'' which helps to sell it as well.

So we know what will happen. We will sell that competitive good, that product that is made in America into foreign countries until such time as they match our price and our quality, or they put up some kind of trade barrier, which is another can of worms that we need to address. That changes our balance of trade. It shifts our balance of trade from minus $503 billion a year to a plus number. That is a great number, but I do not know how great it is. I know it is solid, and I know it is substantial. That means more jobs here in the United States of America. That means more American products sold overseas. That means we bring back our balance of trade.

Now, another thing that is happening is we are losing industrial jobs overseas. And it is going to happen. If they are paying 68 cents an hour equivalent in China and they buy a punch press or a lathe or whatever kind of industrial product, they are upgrading their productivity with that technology. And as they train their people to do that, we are not going to be able to hire people at 68 cents an hour. We cannot compete with that indefinitely. But what we can do is by discounting what we are selling to those countries is we will keep those jobs here longer. We will be competitive longer by taking the 22 percent out, that cost of the tax component of everything we sell, we take that out and we are more competitive longer which means we keep those industrial jobs here longer.

The gentleman from Georgia (Mr. LINDER) believes that we will get some of those jobs back again. And I believe that we will get some, and I think we will lose some. I think it will be a slow loss, but we will dramatically slow the loss at a minimum. And it is essential that we hold industry in this country and put tax and regulatory structures in place so that we can.

One of the reasons would be national security. It is not just our economy. But we have to produce things that are competitive in the world for our economy. But from a national security standpoint think, for example, that there is a foreign country over there in Europe that produces a guidance piece of technology that guides our missiles or our bombs. Think that that foreign country disagreed with our policy in Iraq when we went in there militarily and think what happens when they stop shipment of that guidance technology and we are not able to use our missiles or our bombs in that same fashion. It puts our national security at risk. That is a fact, by the way, that that did happen.

We need to hold our technology here. We need to hold our industry here. We need to hang on to our blue collar jobs. We need to slow this loss of our industry overseas. If we can push it around and bring them back, we can do that.

For example, Ireland untaxed new corporations that would move there. A little island of 4 million people. And they now they have about 12½ percent flat tax on their corporations, far more competitive than the rest of Europe, at any rate. But when they untaxed corporations that would come and stay for 10 years, they ended up with today 560 American companies that are established on the little island of Ireland.

We should untax these companies that are here. We have lost a lot of American companies overseas. A lot of them would come back home again because of the new tax policy. We have foreign corporations that moved to the United States because of our new tax policy when we untaxed them. That means we have more jobs here in the United States, and that means our productivity goes up and it will be producing those kind of goods that will go overseas, and it improves our balance of trade.

Now, Ronald Reagan said what you tax you get less of. He also said what you subsidize you get more of. I will not go down the subsidy side tonight, but I will go down the tax side. What you tax you get less of. We are taxing everyone's productivity in this country.

The Federal Government has the first lien on everyone's labor, on everyone's productivity. That means that they reach into your check, they reach into your check at the end of the week and they take out what they want, and they let you take home the rest. That is called take-home pay. We have been so numbed by this that a lot of us do not even think about the money that we make; we think about the money we take home as the money we make. So we can let you keep all of the money that you earn and no longer have to take a withholding out of that check.

And then we are incenting the capital formation. We are not taxing either. Here are some of the taxes that we get rid of. I said corporate business tax, income tax, your personal income tax all goes away. The payroll tax on Social Security, Medicare, and Medicaid, that is the most regressive tax we have in America. Everybody pays that on the first dollar and all the way up to $87,000, and then after that you do not have to pay any more of the Social Security portion, but you do Medicare and Medicaid. That is a regressive tax. It is an extraordinarily regressive tax. And we eliminate that.

So we are going to eliminate income tax of all kinds. We eliminate inheritance tax. The death tax goes away. We eliminate tax on interest income, dividend income. We eliminate the tax on capital gains. The tax on your Social Security income, the tax on your pension all goes away. The tax on your interest in dividend income, as I said.

So who are the winners in this? Senior citizens are winners. And they are some of the people that I have to think of first because I represent the 5th district of Iowa. And they are in the western third of the State. I have 32 counties. We in Iowa have the highest percentage of our population over the age of 85 of any of the States in the Union. We are arguably the oldest State in the Union. And in this possibly the oldest State in the Union. And of the 32 counties that I represent, I have 10 of the 12 most senior counties in Iowa. I would only advocate a policy that was good for the seniors in this country because it is good for the district that I represent.

But what we are able to do with a fair tax is take away your tax on your Social Security income, tax on your pension income, tax on your interest income, your dividend income. We eliminate the tax on capital gains that will let you, if you own a house that you would like to sell, that maybe you bought it for $10,000 now it is worth $110,000, you do not have to pay the capital gains on that any longer if we pass fair tax H.R. 25. You can sell that parcel of real estate without a tax burden. It does not have to be part of the equation, part of the calculation in making a decision.

So if you want to go in and lease a duplex or apartment or independent living, if that is your decision, sell your farm too if you choose to do that. Maybe you paid $100 an acre for the farm and today it is worth $3,500. The capital gains on it would be tremendous. That is why we have people hanging on to real estate and hanging on to assets, because they cannot afford to sell them because of the capital gains burden.

Senior citizens make out very, very well on this because we untax their income stream, and we let them sell their assets without penalty and they can manage their retirement, and we eliminate the damage tax so they can pass what is left over on to the next generation, which is a part of the American dream as well. Seniors also get along, get another advantage here, that is part of what everybody gets and that is we have to remove the regressive nature of a sales tax. And that regressive nature comes with having to pay a tax rate for everything that you buy.

The less income people have, the greater percentage of their income will go to taxes. So we need to address that. That actually is the hardest problem to fix. But the solution is actually very simple once you come to that. That is this: we send into every household in America a rebate check at the first of the month to compensate each family in advance for the amount of money that they will pay in a Federal sales

tax in the necessary items on up to the poverty level.

So, for example, a family of four would get a check the first day of the month, or wired to their account is more likely going to happen, for an amount of $479 for that month. That is actually a pretty good check. That is the tax portion of what they would spend. Senior citizens get that check; so does the poorest family in America. So does Bill Gates, by the way.

Everyone gets untaxed up to the poverty level. Then from there on, you start to pay your tax at a rate that would then be calculated. The average family then would pay less in taxes when the bill is passed than it does today. Senior citizens make out very well. The poorest people in America make out very well because we untax them. And they do not have any tax burden. They get the check for the first of the month for the necessary items.

And then neither are we taxing capital formation. We are not punishing you when you save money, when you invest money. You can invest money and earn income off of that without a penalty. So we incent then, we provide for and promote, capital formation. There will be billions of dollars that flow into all kinds of investment accounts. These investment accounts, they do not get sewed into a mattress. That money goes to some good, gets put to some use. Say someone decides I make a lot of money and I only want to spend a little bit of money. So I will take this money and save it, and I will put it into maybe a time deposit at the bank, a CD, certificate of deposit. Well, the bank will take that money and roll it into another investment or loan it to a young entrepreneur in the community that is starting up a business or maybe wants to buy that real estate that has primarily been tied up because of a capital gains bind. That is released. Start that up and maybe we have got young people that go in and buy a farm where they could not do that otherwise or they start a business that they could not do otherwise, or maybe that money goes into research and development.

And that is going to produce more items out here. And we use the creativity of America to bring more things to the marketplace. Or the money gets invested by companies to put capital investment in that does improve the productivity of every American. If it is a research and development that produces more of those innovations or higher education, all of those things, where the future of America's economy is, that future up there in the high-tech side, the development side, the investment side where it takes dollars and education and technology, we will incent that and those dollars will be invested there.

Those dollars, by the way, improve the productivity of the American worker who will then make more wages. There will be more demand for the American worker. The American worker has then more money in their pockets. They spend that money in the retail counter which then drives this economy. We watch how our economy is when we go up towards Christmas. We say are sales up or down; that tells us a lot about how strong our economy is. There will be more money in the end spent at the retail level.

By the way, all those things sold at the retail level get cheaper. They get 22 percent cheaper.

If you are wondering how it works, if you are a businessman, again I am from Iowa so we always put it into farming analogies, if you are a farmer and you go out and spend $250,000 on a brand-new combine, and you are thinking I do not want to pay the tax on that, well, you do not pay the tax on that. You do not pay the tax because that is a business input. It is not a last retail stop for personal consumption.

So there would be no tax on the combine or the new tractor or the parts that go into it, or the seed or the fertilizer or all the other inputs that are there. Or if you are running a retail store, and you are purchasing inventory for that store, say, for example, you run a grocery store, you do not pay the sales tax on your wholesale cost of those goods. You collect it when you sell. Or if you are running a jewelry store and you happen to be buying jewelry that gets purchased at the inventory level, you put that inventory in the store, you are not paying tax on that inventory.

□ 2015

But when the person comes in and purchases that brand new diamond engagement ring that starts out that unique family that hopefully has a lot of children to participate in the American dream, that that new diamond ring does not get income tax on if when you purchase the diamond as a wholesaler or as a retailer, but the person that does it at the resale level from the retailer does pay the tax. But if you are selling it, you get the discounts on average of about 22 percent because the tax burden is off, and all the people, the people that you are paying to work in the grocery store or in the jewelry store or in the grain elevator, wherever it may be, you are no longer paying the payroll tax out of the wages, the 15.3 percent that you take out of the wages and send off to the Federal Government for Social Security, Medicare and Medicaid.

Many times I have sat there and made payroll out for over 28 years, 1,400 and some consecutive weeks, and I do not know how many different payroll checks I signed, but I met that payroll, and I sat there with that calculator, and I punch out .0765, multiply it times the gross wages, take it out of the employee's wages, add it. As an employer it is 15.3 percent. That does not get withheld any longer. You get to keep that in your payroll as well.

Most people think that that half of that 15.3 percent, .0765, can be added to the employee's wages because, after all, that is the cost of the employee. So wages will go up by 7½ percent.

Now, this is, every piece of this policy is a good thing. Everything rolls around to the positive. And when we are finished with this, it adds up this way.

What is the rate? You all have to be asking and wondering what is the rate? Well, the rate adds up this way. Remember we are discounting everything you purchase by 22 percent, so compare it with that. We have to put the rebate check into every household to make sure it is not regressive, to make sure we can untax the poor and untax the people on fixed incomes. We will untax Bill Gates if he wants to live at the poverty level, and I am sure he will not. But when we do all of that, that cost is 3 percent. And then when we replace the payroll tax, and that is Social Security, Medicare, Medicaid, that .0765 times 2, 15.3 percent of your payroll, that replacement costs 8 percent at the retail level.

So now we are at 11 percent as a tax rate, but the replacement portion, then that takes us up to the revenue-neutral number, that number that just generates the income that is coming from the income tax today, that takes 12 percent. So when you add the numbers up, it is 3 percent plus 8 percent, which is 11, and you add 12, so you are at 23 percent; 23 percent embedded tax. But we discounted the same items by 22 percent.

So you will ask, how can we do that? That sounds almost like something for nothing. The reason that this works out this way, and we have over $20 million of research on this that supports this, the reason that it works out so well is, first of all, we have a broad tax. It is all sales and service. We allow no exceptions or exemptions of any kind, because if we do, that opens the door up for this big machinery here in Washington, D.C., this monstrosity of a lobby that about half of it is all here because they are looking for a tax discount, the tax credit, the way to minimize the tax liabilities of these companies. And actually individuals only at 61 percent are paying taxes. Remember, as I said, domestic companies, and 61 percent, 71 percent of foreign do not, 61 percent of domestic do not.

So this whole component that we have here is the economic model that stimulates the maximum amount of economic growth. So we have incented this capital formation on the high-tech side. We have saved this loss of jobs that drain into overseas. We kept the blue-collar jobs that are here. We have fixed the balance of trade. We put money into investments. We put money into research and development, into high tech, into higher education. All of these are the good things we need to do on the top side of the economy and on the bottom side of the economy and on the balance of trade. And we have done that by changing this retail price by a little bit, because

the price goes down by 22 percent when you take the tax out, but the tax rate is embedded at 23 percent. We will tax all sales and all service at that. That is why when it is broad, we can keep the tax cheap. That is an essential component of this.

Now, another thing that I think about is today about 44 percent of Americans do not pay income tax. Now, I said corporations do not pay taxes, and they do not. People pay taxes. People producers pay taxes. If you are making an income high enough and do not have discounts or do not have deductions that make sure that you do not, but 44 percent of the Americans are not paying income tax today. That means that that number is growing. That number has grown dramatically in the last few years. If that number grows up over 50 percent, as soon as 51 percent of the people in this country figure out that they can go to the polls and elect themselves members of Congress and elect Members of Congress that will then tax the producers and send the money to the people who are not paying taxes, we have lost. We have lost this freedom. We have lost this constitutional Republic. We have lost this democracy if we let it get that far.

It only takes another 6 percent plus 1 for the nonproductive sector of the voting populace, those who are not paying income tax, to have a majority control in this country. Then the only thing that keeps them from voting themselves benefits out of the Treasury may be lack of organization, and maybe it bothers their conscience. I want everybody to have some skin in the game. I want everybody in America to pay some taxes.

We will send the rebate check into every household so we untax the poor, but when the poor goes out, when everybody goes out and purchases anything at the retail level, any sales or any service, then they are paying their taxes. That means they understand every day that they do a transaction how expensive the Federal Government is.

Every little kid when they grow up in America and they go to buy their baseball cards, let me see if I have them here, buy their baseball cards or buy their Barbie doll clothes, and they have to reach in and pull a couple of dimes out for Uncle Sam, that will hurt a little bit every time they have to do that. They will think about where that money goes. They will know intuitively from the time they are 4 or 5 years old that they have to fund this government. When they do that, I think they will understand when they get old to vote and participate in public life and old enough to hopefully serve in this United States Congress someday that there is such a thing as personal responsibility. And today we have created this dependent society where many of them look at government as the first solution instead of the last resort.

I want generations of Americans that look at government as the last resort and come up with their own first and second solutions and do everything they can to resolve their own problems at home. We need to have more independence and more freedom. This bill does that.

H.R. 25. You can find information about all of the statistics and data I have given you at fairtax.org.

We today have some 46 or so cosponsors on the bill. The gentleman from Georgia (Mr. LINDER) is the lead. The people in Georgia understand how important this is. They support a fair tax. They know this is the most dynamic thing we can get done. As I said earlier, the economists out there do agree. The only question is the political difficulty, not the economic difficulty. We are here to solve this political difficulty, and I am here speaking to this tonight.

I have done programs in Council Bluffs and in Sioux City. In Council Bluffs it was sitting room only. In Sioux City it was standing room only. I did not find anyone that could come up with a comment or question that would be a reason why we should not do this.

I believe everybody in America is a winner when we replace the IRS and the Income Tax Code with a fair tax, a retail sales and service tax, an embedded cost of 23 percent; discount those retail prices on sales and service by 22 percent because we are able to untax the businesses that produce those sales and service.

And by the way, when you look around this country, there are some people that do not pay taxes, and there are some people I would really, really like to tax, and I am looking around at the drug dealers in America. They are living in a black market, illegal economy, and they are dealing in cash. Do you think that they call up H&R Block and say, I brought in $1.5 million this year, and I had a 67 percent profit margin; therefore, I must have a tax liability on $1 million? They are not doing that. These people live in the shadows, but they take their cash out, and they go to the retail, and they buy things. That is why they are doing what they can do so they can buy things off the shelf. Clothes, cars, and entertainment and all the things the rest of us do, they are doing it tax free. Their business is in the shadows. We get to tax them not through the income tax, because we cannot catch them with that, on their cash income, but we will catch them at the retail level when they purchase things from the shelf.

So we get to tax drug dealers and prostitution. There is about a trillion dollars worth of illegal economy going on in America. We get to tax it all. So that is about $230 billion in our Treasury there that ups the ante. That allows us to take the rest of your taxes down a little bit.

Tourists come into this country. They do not mind taxing me when I go into their country. We seem to mind taxing tourists in this country. If we can tax the tourism industry that comes in here, people from foreign countries that are using our infrastructure, they drive on our roads, they flush our toilets, they use the electricity, all of these things that are part of our system in this country flowing and going so well, if we can tax them on what they spend in this country, that would be $50 billion a year added to the $230 billion that I mentioned earlier. We are up to where we have $3 billion in revenue from the illegal side of this thing and from the tourism side, the prostitution, the drugs and all of that. So it is nice to have those people carrying part of the burden. They have not carried any of their fair share. The fair tax will require them to carry their fair share.

There are other things that we need to do to bring them in line. That is the big picture on this.

Every aspect of our economy gets better and better and better as we look at this policy and program. So we tax the tourists. We tax the drug trade. We tax the prostitutes. We tax the illegal industry that is in America and generate a number approaching $300 billion a year. We untax the poor. We untax the senior citizens on fixed incomes at least, and the middle-American family that will get that rebate check in their households at about $479 a month for a family of four. That makes that number around $40,000 a year. They will find their tax rate at about 15.6 percent. So they get a cheaper tax rate, too.

It helps everybody in America, and, by the way, there is a political dynamic to this. When we started selling American products into countries that have not been competitive before, the European Union comes to mind, when that happens, they have to look at their own tax policy when they cannot be competitive any longer. That means they have to go back into their Parliament and make a decision on what their tax policy will be in order to compete with the United States of America. And that policy will be closer to a fair tax policy than the 70 percent income tax they have today that goes to, and that was Denmark, for example, where they take that income tax and provide all kind of things for people that take away their personal responsibility, create a dependency, grow a socialistic philosophy, and puts the burden on the economy that does not allow them to be competitive unless they raise the taxes so they can subsidize the things they need to, like our egg products, so it is harder for us to compete with them.

At some point our competition in this country breaks their bank, and they have to buy into our policy. When they do that, the European countries, the rest of the countries in the world will be more free than they are today. There will be a lower tax rate. People will be able to keep all the money they earn instead of having to give up 70

percent of it, and that means they will be more productive. And they will advocate for the same things we do. And the center for political gravity in Europe, for example, shifts to the right. When it does that, they are a closer friend to us, and they become more allies than they are today. And they have been good allies over the years, but we can improve that with the fair tax policy.

So H.R. 25, fairtax.org, embedded tax costs of 23 percent, reducing the cost of everything we sell by 22 percent. We repair our balance of trade; that minus $503 billion a year in balance of trade goes to a plus number. We slow the loss of unskilled jobs or lower-skilled jobs going overseas, and we promote capital formation that grows our economy on the high-tech side. And we lower the taxes on middle-income America, and untax the poor and the senior citizens on fixed income.

It does everything that a tax policy can do. Additionally, the costs of compliance gets reduced by 95 percent. Forty-five States in the Union today have a sales tax in place. They already have the collection system there. They already have the audit system in there. So only five States have to put in place a sales tax system. They will grumble and groan about it a little bit, and they will be the five States to oppose this, and yet the best thing overall for America.

□ 2030

So, when they do collect those taxes, it will just be the State treasurer sends the check to the U.S. Treasury. It is that simple, and the audit systems are there now, and we can contract with them to continue to do the audits as they have, and we also want to pay ¼ of 1 percent to the States for collecting the tax and to the retailer for collecting the tax.

Have you ever had the government send you a check for collecting taxes before or did you just send it in and be glad you can keep the little bit that is left? We change that. So April 15, that day when people stay up all night long pulling their hair out to make sure they can file the forms, make sure they can meet their tax obligations, and there are millions of Americans that go to borrow money to pay their taxes on that day or the day after, April 15 is the worst day on our calendar, and it can become just another day when this Congress passes the fair tax, H.R. 25.

The time is right. The majority leader understands this. He has been a supporter of the fair tax for a long time. We know we need to bring tax reform. We know we need to bring a dynamic energy into this economy. No one, no one in their right mind, that is, would advocate that we would take the internal revenue code we have today and modify it and amend it and try to somehow get tax reform out of this monstrosity of pages and produce something that provided equity for the American people. It is not possible with that monstrosity.

If we went to the flat tax, as Steve Forbes advocated some years ago and as Dick Armey, who was the majority leader in this chamber, advocated some years ago, that postcard, if you put your taxes on, still keeps the IRS intact, still requires an audit. That postcard is your income tax the way it looked 90 years ago when this monstrosity first began. If we could cut it back to that with a flat tax, it would still grow into another monstrosity again. Over time, we can eliminate the IRS, we can eliminate the tax code, and by the way, we must amend the Constitution so that income tax is unconstitutional again and repeal the amendment that established and legalized the income tax, and the American people will be ready to do that; they will get confidence in.

We will pass the bill and introduce a constitutional amendment and watch this dynamic economy jump, but the piece that is most important is a $1 trillion anchor on our economy imposed by the IRS today. That $1 trillion anchor can be cut.

H.R. 25 cuts that anchor chain. That anchor can stay in the bottom of the ocean, and we can sail this ship of our economy free, and we can take these people that are now involved in the regulatory sector of the economy, the IRS workers and all those people who are so busy working for tax avoidance or tax compliance, I mean, we have got this whole competition going on out here. They can all go to work in the private sector producing a good or service that has value, that they can cash a check for, and they can go out, too, with the money they earn, keep all the money they earn, spend it at the retail level, decide when they pay their taxes.

It is freedom; it is fair. It is fairtax.org. It is time this Congress moves. It is time we have a conference to debate and discuss this and get off the dime on what is the best policy. This is the best policy. I believe that should be settled with the American people. We need to move forward and get past this indecision.

So with that, Mr. Speaker, I appreciate the opportunity to address the chamber tonight, and I look forward to some action on this issue and many others as this time unfolds.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARDIN (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of official business.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. TAUZIN (at the request of Mr. DELAY) for the week of April 19 on account of medical 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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. WYNN, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

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

Mr. MORAN of Kansas, for 5 minutes, April 27.

Mr. BURGESS, for 5 minutes, April 27 and 28.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, April 27 and 28.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SAM JOHNSON of Texas and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,917.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 22, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 1274. To direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. To provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. To designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, April 26, 2004, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7715. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Extra Long Staple Cotton Outside Storage and Strength Adjustment for Loan (RIN: 0560-AH03) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7716. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Delay of Compliance Date [Docket No. 03-072-2] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7717. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Japanese Beetle; Domestic Quarantine and Regulations [Docket No. 03-057-2] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7718. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Animal Welfare; Transportation of Animals on Foreign Air Carriers [Docket No. 02-012-2] (RIN: 0579-AB51) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7719. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Emergency Conservation Program (RIN: 0560-AG26) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7720. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Tree Assistance Program (RIN: 0560-AG83) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7721. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Electronic Commerce; Organization; Standards of Conduct and Refferal of Known or Suspected Criminal Violations; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Borrower Rights (RIN: 3052-AB69) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7722. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Borrower Rights; Effective Interest Rate Disclosure (RIN: 3052-AC04) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7723. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act which occurred in the Coast Guard's annual Operating Expenses appropriation accounts, pursuant to 31 U.S.C. 1341; to the Committee on Appropriations.

7724. A letter from the Principal Deputy Under Secretary of Defense, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7725. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1167] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7726. A letter from the Legal Counsel, CDFI Fund, Department of the Treasury, transmitting the Department's final rule — Notice of Funds Availability (NOFA) inviting applications for the FY 2004 funding round of the Financial Assistance Component of the Community Development Financial Institutions Program — received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7727. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Imposition of Special Measures Against Burma — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7728. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Imposition of Special Measures Against Myanmar Mayflower bank and Asia Wealth Bank (RIN: 1506-AA63) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7729. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7634] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7730. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7731. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7732. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7829] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7733. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7734. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7735. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7770] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7736. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7827] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7737. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7738. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7739. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7740. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7444] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7741. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7742. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7743. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7553] received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7744. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of Requirement in HUD Programs for Use of Data Universal Numbering System (DUNS) Identifier [Docket No. FR-4876-I-01] (RIN: 2501-AD01) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7745. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Changes in Maximum Mortgage Limits for Multifamily Housing [Docket No. FR-4913-F-01] (RIN: 2502-AI19) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7746. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Inspector Roster [Docket No. FR-4720-F-02] (RIN: 2502-AH76) received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7747. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Eligibility of Adjustable Rate Mortgages [Docket No. FR-4745-F-02] (RIN: 2502-AH84) received March 30, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Financial Services.

7748. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Home Equity Conversion Mortgage (HECM) Program; Insurance for Mortgages to Refinance Existing HECM's [Docket No. FR-4667-1-02] (RIN: 2502-AH63) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7749. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2003, which includes an addendum containing information (as required by the Ex-Im Bank's 2002 reauthorization) on the status of the Bank's information technology and small business outreach, pursuant to 12 U.S.C. 635g(a); to the Committee on Financial Services.

7750. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Prompt Corrective Action; Corporate Credit Unions; Credit Union Service Organizations; Member Business Loans; Regulatory Flexibility Program — received April 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7751. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance; Living Trust Accounts — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7752. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Surety and Guaranty; Maximum Borrowing Authority — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7753. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal Credit Unions — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7754. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance and Appendix — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7755. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Conversion of Insured Credit Unions to Mutual Savings Banks — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7756. A letter from the Assistant Secretary, Office of Vocational and Adult Education, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program (RIN: 1830-ZA04) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7757. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2001, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

7758. A letter from the Secretary, Department of Energy, transmitting draft of proposed legislation ''To reclassify fees paid into the Nuclear Waste Fund as offsetting collections, and for other purposes''; to the Committee on Energy and Commerce.

7759. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Crowell, Bonham, Bridgeport, Palestine, Ranger, Stephenville, Wellington, Texas; Apache, Ardmore, Bennington, Cache, Elk City, Lawton, Oklahoma) [MM Docket No. 01-293; RM-10302; RM-10547] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7760. A letter from the Special Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clarksville, Texas and Haworth, Oklahoma) [MM Docket No. 01-182; RM-10202] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7761. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ash Fork, Chino Valley, Dolan Springs, Fredonia, Gilbert, Peach Springs, Seligman and Tusayan, Arizona, Moapa Valley, Nevada, and Beaver and Cedar City, Utah) [MM Docket No. 02-12; RM-10356; RM-10551; RM-10553; RM-10554] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7762. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sheffield, Texas) [MB Docket No. 02-350; RM-10600] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7763. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Encinal, Texas) [MM Docket No. 01-152; RM-10168] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7764. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Boradcast Stations. (Winnsboro and Annona, Texas) [MM Docket No. 01-189; RM-10204] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7765. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Nampa, Idaho) [MM Docket No. 01-54; RM-9918] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7766. A letter from the Senior Legal Advisor, Chief Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 76.51 Of the Commission's Rules To Include Merced and Porterville, California in the Fresno-Visalia-Hanford Clovis Television Market [CS Docket No. 00-1] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7767. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Boradcast Stations. (Freer, Hebbronville, and Orange Grove, Texas) [MB Docket No. 02-260; RM-10502; RM-10853] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7768. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Fort Collins, Westcliffe and Wheat Ridge, Colorado) [MB Docket No. 03-57; RM-10565] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7769. A letter from the Chief Financial Officer, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 0 and 1 of the Commission's Rules; Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Requests for Benefits by Deliquent Debtors [MD Docket No. 02-339] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7770. A letter from the Chairman, Nuclear Regulatory Commission, transmitting in accordance with the provisions of Section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017), Section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), and Section 108 of the Inspector General Act of 1988 (31 U.S.C. 105(a)(25)), proposed legislation which authorizes appropriations for FY 2003; to the Committee on Energy and Commerce.

7771. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Aruba, Netherlands Antilles, East Timor, and Democratic Republic of the Congo, and Update of Country Names, in the Export Administration Regulations [Docket No. 040330104-4104-01] (RIN: 0694-AC83) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report describing conditions in Hong Kong that are of interest to the United States, covering the period from April 1, 2003, to March 31, 2004, pursuant to Public Law 104—107, section 576; to the Committee on International Relations.

7773. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7774. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7775. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7776. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7777. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7778. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant

to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7779. A letter from the Chairman, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2003, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7780. A letter from the Administrator, Federal Aviation Administration, transmitting Progress of the aircraft cabin air quality activities, pursuant to 49 U.S.C. 40101nt; to the Committee on Transportation and Infrastructure.

7781. A letter from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Discrimination Complaints under Section 6 of the Pipeline Safety Improvement Act of 2002 (RIN: 1218-AC12) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendment [Docket No. 30407; Amdt. No. 447] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7783. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Benton, KS. [Docket No. FAA-2003-16756; Airspace Docket No. 03-ACE-94] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Manual Requirements in Part 135; Correction [Docket No. FAA-2004-17119] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Anti-drug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities [Docket No. FAA-2002-11301; Notice No. 04-05] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30405; Amdt. No. 3090] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendment [Docket No. 30406; Amdt. No. 3091] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; Model DC-9-20, -30, -40, and -50 Series Airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 Airplanes [Docket No. FAA-2003-16647; Directorate Docket No. 2002-NM-203-AD; Amendment 39-13520; AD 2004-05-25] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Testron Lycoming) AEIO-540, 10-540, LTIO-540, O-540, and TIO-540 Series Reciprocating Engines [Docket No. 2002-NE-31-AD; Amendment 39-13519; AD 2004-05-24] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Lancair Company Models LC40-550FG and LC42-550FG Airplanes [Docket No. 2004-CE-07-AD; Amendment 39-13535; AD 2004-06-09] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. 2004-NM-43-AD; Amendment 39-13546; AD 2004-07-02] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 2002-NM-232-AD; Amendment 39-13547; AD 2004-07-03] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstram) Model 4101 Airplanes [Docket No. 2002-NM-63-AD; Amendment 39-13543; AD 2004-06-17] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2002-NM-300-AD; Amendment 39-13542; AD 2004-06-16] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Construction or Alteration in the Vicinity of the Private Residence of the President of the United States [Docket No. FAA-2003-14972; Special Federal Aviation Regulation No. 98] (RIN: 2120-AH83) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7796. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Harmoniation with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International C ivil Aviation Organization's Technical Instructions [Docket No. RSPA-03-13658(HM-215E)] (RIN: 2137-AD41) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7797. A letter from the Chairman, Federal Maritime Commission, transmitting the 42nd Annual Report of the Federal Maritime Commission for fiscal year 2003, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

7798. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule — Optional Rider for Proof of Additional NVOCC Financial Responsibility [Docket No. 04-02] received April 13, 1004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7799. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Regulations Governing Fees for Service Performed in Connection with Licensing and Related Services-2002 New Fees — received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7800. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Electronic Filing Option for Certain Documents — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7801. A letter from the Acting Director, NIST, Department of Commerce, transmitting the Department's final rule — Professional Research Experience Program (PREP); Availability of Funds [Docket No.: 040318097-4097-01] (RIN: 0693-ZA57) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7802. A letter from the Acting Director, NIST, Department of Commerce, transmitting the Department's final rule — Small Grant Programs; Availability of Funds [Docket No.:040205042-4042-01] (RIN: 0693-ZA54) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7803. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Gavernment Property — Instructions for Preparing NASA Form 1018 (RIN: 2700-AC73) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7804. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Coorperative Agreement Handbook — Grant and Cooperative Agreement Announcement Numbering (RIN: 2700-AC98) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7805. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Performance Period Limitations (RIN: 2700-AC94) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7806. A letter from the Deputy Assistant Administrator, OAR, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Climate and Global Change Program, FY 2005 Program Announcement [Docket No. 000616180-4095-08] (RIN: 0648-ZA91) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7807. A letter from the Secretary, Department of Labor, transmitting the first report of the President's National Hire Veterans Committee, pursuant to 38 U.S.C. 4100 Note; to the Committee on Veterans' Affairs.

7808. A letter from the Secretary, Department of State, transmitting the 2003 Annual Report on United Nations voting practices, pursuant to 22 U.S.C. 2414a; jointly to the Committees on International Relations and Appropriations.

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. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 388. Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rept. 108–467). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 389. Resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run (Rept. 108–468). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 376. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 108–469). 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. ISTOOK:

H.R. 4193. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4194. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. MENENDEZ (for himself, Mr. HOLT, Mr. PALLONE, Mr. ANDREWS, Mr. PASCRELL, Mr. ROTHMAN, and Mr. PAYNE):

H.R. 4195. A bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK:

H.R. 4196. A bill to authorize the conveyance of certain environmentally sensitive land at former Fort Sheridan, Illinois, for the purpose of ensuring the permanent protection of the lands; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 4197. A bill to suspend temporarily the duty on othro nitro aniline; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4198. A bill to suspend temporarily the duty on Bis (2,2,6,6,-tetramethyl-4-piperidyl) sebaceate; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4199. A bill to suspend temporarily the duty on 2,5-thiophenediybis(5-tert-butyl-1,3-benzoxazole); to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Mr. SKELTON) (both by request):

H.R. 4200. A bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 4201. A bill to suspend temporarily the duty on Tetrakis ((2,4-di-tert-butylphenyl)4,4-biphenylenediphonite); to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. MORAN of Virginia, and Mr. TOM DAVIS of Virginia):

H.R. 4202. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Crawfish Valley Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. COBLE:

H.R. 4203. A bill to suspend temporarily the duty on nitrocellulose; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. NADLER, Mr. WATT, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Ms. BALDWIN, Mr. WEINER, Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mrs. BONO, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. KLECZKA, Mr. KOLBE, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mrs. LOWEY, Mr. LYNCH, Ms. MAJETTE, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mr. MATSUI, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SABO, Mr. SANDERS, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELAZQUEZ, Mr. VISCLOSKY, Mr. WALSH, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 4204. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. COX:

H.R. 4205. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the installation of hydrogen fueling stations; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. MARKEY, Mr. MATSUI, and Mr. LEWIS of California):

H.R. 4206. A bill to provide for various energy efficiency programs and tax incentives, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. OBERSTAR, Mr. RANGEL, Mr. SANDERS, Mr. EMANUEL, Mr. LYNCH, Mr. LEVIN, Ms. LEE, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Mr. FORD, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mr. RODRIGUEZ, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. CONYERS, Ms. BALDWIN, Ms. CARSON of Indiana, Mr. FROST, Ms. SOLIS, Mr. MICHAUD, Mr. SERRANO, Mr. BISHOP of New York, Mr. MCGOVERN, Mr. HOEFFEL, Mr. BERMAN, Mr. MARSHALL, Mr. OWENS, Ms. WOOLSEY, Mr. VAN HOLLEN, Mr. CROWLEY, and Ms. SLAUGHTER):

H.R. 4207. A bill to amend the Internal Revenue Code of 1986 to increase the refundability of the child tax credit; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4208. A bill to discourage the abuse of stock options by executives of public companies by preventing unjust enrichment through the recapture of profits when shareholders suffer losses; to the Committee on Financial Services.

By Ms. GRANGER:

H.R. 4209. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself and Mr. ALLEN):

H.R. 4210. A bill to amend the Farm Credit Act of 1971 to support the commercial fishing industry; to the Committee on Agriculture.

By Mr. PALLONE:

H.R. 4211. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H.R. 4212. A bill to promote the national security of the United States by facilitating the removal of potential nuclear weapons materials from vulnerable sites around the world, and for other purposes; to the Committee on International Relations.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 4213. A bill to provide uniform criteria for the administrative acknowledgment and recognition of Indian tribes, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself and Mr. FERGUSON):

H.R. 4214. A bill to require a report on acts of anti-Semitism around the world; to the Committee on International Relations.

By Ms. VELAZQUEZ (for herself, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, and Ms. LEE):

H.R. 4215. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VITTER:

H.R. 4216. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit of $500 to public safety volunteers; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. BARTLETT of Maryland, Mr. JOHN, Mr. ALEXANDER, Mr. CASE, Mr. JEFFERSON, Mr. GREEN of Wisconsin, Mr. BLUMENAUER, Mr. BAKER, Mr. DEFAZIO, Mr. WALDEN of Oregon, Mrs. CAPITO, Mr. MCCRERY, and Mr. YOUNG of Alaska):

H.R. 4217. A bill to amend title 32, United States Code, to rename the National Guard Challenge Program as the National Guard Youth Challenge Program, to increase the maximum Federal share of the costs of State programs under the National Youth Guard Challenge Program, and for other purposes; to the Committee on Armed Services.

By Ms. LEE (for herself, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. WAXMAN, Mrs. MALONEY, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. TIERNEY, Ms. NORTON, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. GRIJALVA, Mr. LEWIS of Georgia, Ms. WATSON, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Mr. HOEFFEL, Mr. PAYNE, Ms. BERKLEY, Mr. CONYERS, Mr. MCDERMOTT, Ms. WATERS, Ms. BALDWIN, Mr. GREENWOOD, Mr. MEEKS of New York, Ms. SLAUGHTER, Ms. HARMAN, Mr. BRADY of Pennsylvania, Mr. FROST, Mr. CROWLEY, Ms. MCCARTHY of Missouri, Mr. CUMMINGS, Mrs. LOWEY, Ms. MCCOLLUM, Ms. KILPATRICK, Mr. VAN HOLLEN, Mr. FARR, Ms. WOOLSEY, Mr. ABERCROMBIE, Ms. CARSON of Indiana, Mr. GONZALEZ, Mr. MEEK of Florida, Mr. STARK, Mr. WEINER, Mr. HINCHEY, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Ms. LINDA T. SANCHEZ of California, and Mr. WYNN):

H. Res. 603. A resolution commending the marchers, expressing the belief that each individual has the right to manage his or her own fertility, recognizing that the expression of sexuality is a lifelong aspect of human development, trusting individuals to make responsible choices related to having children, supporting loving families in all of their relationship forms, and celebrating the March for Women's Lives in which individuals make their voices heard through collective pro-choice power; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. BOEHLERT, Mr. VAN HOLLEN, Mr. CULBERSON, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. EVANS, Mr. CARDOZA, Ms. LEE, Mr. ENGLISH, Mr. MARKEY, Mr. DEFAZIO, Mr. SHERMAN, Mr. SMITH of Michigan, Mr. FARR, Mr. HALL, Mr. HOLT, Mrs. TAUSCHER, Mr. BOUCHER, Mr. ALLEN, Mr. CROWLEY, Mr. MCDERMOTT, Ms. LOFGREN, Mr. BOSWELL, Mr. HINOJOSA, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. KIND, Mr. KENNEDY of Rhode Island, Mr. UDALL of New Mexico, Ms. WOOLSEY, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Ms. HART, Mr. MCNULTY, and Mr. SERRANO):

H. Res. 604. A resolution establishing the Congressional Science Competition for conducting academic competitions in the sciences among high school students in Congressional districts, and for other purposes; to the Committee on House Administration.

By Mr. TIERNEY (for himself, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BOSWELL, Mr. BURTON of Indiana, Mr. CASE, Mr. DELAHUNT, Mr. DOGGETT, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. KIND, Ms. LEE, Mrs. MALONEY, Mr. MOORE, Mrs. MCCARTHY of New York, Mr. PICKERING, Mr. SANDLIN, Mr. SCHIFF, Mr. SMITH of New Jersey, Mr. TURNER of Texas, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Ms. LOFGREN, Mr. STARK, and Mr. TERRY):

H. Res. 605. A resolution recognizing the importance of increasing awareness of autism, supporting programs for increased research and improved treatment of autism, improving training and support for individuals with autism and those who care for individuals with autism, and for other purposes; to the Committee on Energy and Commerce, 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 Mr. WELLER:

H. Res. 606. A resolution commending Kankakee County, the Kankakee River Basin Partnership, the Illinois Department of Natural Resources (IDNR), The Nature Conservancy (TNC), the Illinois Clean Energy Community Foundation, and local citizens for their work in preserving the Kankakee Sands Ecosystem in Kankakee County, Illinois; to the Committee on Resources.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

297. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to Engrossed Senate Joint Memorial No. 8050 memorializing the U.S. Congress and the Dept. of Agriculture be fully aware of the current expertise that exists as the Washington Animal Disease Diagnostic Laboratory & College of Veterinary Medicine at Washington State University and the head start this institution has to fulfill needs on projects related to TSEs including an ability to develop a BSE test for live cattle; conduct an itemized list of enhanced TSE research projects; or administer a quick surveillance BSE testing program for the state or the to the Committee on Agriculture.

298. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 105 memorializing the United States Congress to give strong consideration to both increasing the current mission and adding additional missions to Mountain Home Air Force Base; to the Committee on Armed Services.

299. Also, a memorial of the Legislature of the State of Washington, relative to Engrossed Senate Joint Memorial No. 8039 memorializing the President of the United States, the Congress, and the Department of Defense to recognize the strategic importance of Washington State's military bases to our nation's security and not make them victims of this round of the Base Realignment and Closure process; to the Committee on Armed Services.

300. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 notifying the United States Congress that the Idaho Legislature is committed to maintaining the states as sole regulators of the business of insurance, and continue to support state efforts to streamline, simplify and modernize insurance regulation; to the Committee on Financial Services.

301. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 20 notifying the United States Congress of the Idaho Legislature's committment to maintaining the role of the states in enforcement of consumer protection laws and in dual regulation of financial institutions, and it opposes any federal rule that undermines this state authority, including the OCC's rules preempting state consumer protection laws and enforcement that apply to national banks, their operating subsidiaries and agents; to the Committee on Financial Services.

302. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 108 memorializing the United States Congress to support amendments to the No Child Left Behind Act that will allow determinations of ''adequate yearly progress'' to be made on the basis of individual student growth from year to year; target options for choice & supplemental services to specific subgroups that fail to make adequate yearly progress ; provide flexibility & more reasonable rules for English Language Learners; & permit states to identify those schools that fail to meet adequate yearly progress for two consecutive years in the same subject to the Committee on Education and the Workforce.

303. Also, a memorial of the House of Delegates of the State of West Virginia, relative to House Resolution No. 6 memorializing the President and Congress of the United States to amend the No Child Left Behind Act to include a mechanism for a waiver from its provisions for school accountability that shall automatically be granted to states such as West Virginia that have successfully increased student achievement through their own standards and accountability reforms; to the Committee on Education and the Workforce.

304. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 17 memorializing the United States Congress to amend Section 1917(b)(1)(C) of the Social Security Act (49 Stat. 620, 42 U.S.C. 1396p(b)(1)(C)) by deleting May 14, 1993 as the deadline for approval by states of long-term care partnership plans; to the Committee on Energy and Commerce.

305. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1442 Joint Resolution memorializing the President, Congress, and the Postal Service of the

United States to maintain current levels of service; to the Committee on Government Reform.

306. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 27 memorializing the United States Government to conduct salmon survival evaluations in the 2004 spill year, the goal of which should be to determine if it is possible to achieve the same or greater levels of survival and biological benefit to migrating fish as is currently achieved while reducing the amount of water spilled, thus decreasing the adverse impacts on the region's power supply; to the Committee on Resources.

307. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 579 memorializing the President of the United States and the Pennsylvania Congressional Delegation to do all in their power to encourage the United States Department of Justice to review its September 11, 2002, refusal to classify Christopher Kangas as a ''public safety officer'' under the Public Safety Benefits Act of 1976; to the Committee on the Judiciary.

308. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 109 commending the United States Congress for its efforts to date to increase transit funding for Idaho and to apply a higher federal match to transit projects due to the presence of significant federal lands in a state; to the Committee on Transportation and Infrastructure.

309. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 15 supporting the passage of H.R. 871, to amend the national Highway System Designation Act of 1995; to the Committee on Transportation and Infrastructure.

310. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 22 memorializing the President of the United States and the Congress to support and expand the Idaho National Laboratory; to the Committee on Science.

311. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8040 memorializing the President of the United States to insure the U.S. Department of Veterans Affairs health care system in Washington State will be adequate to serve the current and future demands of the state's veterans; to the Committee on Veterans' Affairs.

312. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 18 memorializing the United States Congress, that in negotiating any national trade agreements, to recognize the economic impact of such trade agreements on the states and consider those impacts to maintain viable economic health of agricultural industries as well as all industries, with an emphasis on fair trade, rather than free trade; as well as to renogiate the provisions of CAFTA to limit sugar exports from the Central American countries to fairly protect sugarbeet and cane growers in the United States; to the Committee on Ways and Means.

313. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4031 memorializing the President and the Congress of the United States to extend and make retroactive the federal temporary unemployment compensation program; to the Committee on Ways and Means.

314. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 21 supporting the concurrent receipt of military retirement pay and disability compensation; jointly to the Committees on Armed Services and Veterans' Affairs.

315. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 110 memorializing the congressional delegation representing the state of Idaho to work toward enactment of the Clearwater Basin Project Act; jointly to the Committees on Resources and Agriculture.

316. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 107 memorializing the United States Congress to preserve access to, and the historic use of, backcountry airstrips by introducing into Congress legislation which will preserve backcountry landing strips on currently-owned federal lands and any future federal acquisition of lands; jointly to the Committees on Resources, Agriculture, and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. PALLONE, Mr. SANDLIN, Mr. PAYNE, and Mr. BRADLEY of New Hampshire.
H.R. 121: Mr. VAN HOLLEN.
H.R. 300: Mr. KLINE, Mr. BURNS, and Mr. KINGSTON.
H.R. 333: Mr. RANGEL.
H.R. 348: Mr. REYES and Mr. HOEFFEL.
H.R. 391: Mr. FOLEY.
H.R. 476: Mr. CASE, Mr. PASCRELL, and Mr. SCOTT of Georgia.
H.R. 548: Mr. WELDON of Pennsylvania.
H.R. 584: Mr. PAYNE.
H.R. 623: Mr. LANGEVIN.
H.R. 648: Mr. FRANKS of Arizona.
H.R. 676: Ms. BALDWIN and Mr. SANDERS.
H.R. 713: Mr. LEWIS of Kentucky, Mr. BRADLEY of New Hampshire, and Mr. PASTOR.
H.R. 716: Mr. KIRK.
H.R. 775: Mr. CARSON of Oklahoma and Mr. KLINE.
H.R. 806: Ms. SCHAKOWSKY and Mr. LIPINSKI.
H.R. 832: Mr. ALLEN.
H.R. 852: Mr. KUCINICH.
H.R. 857: Ms. DEGETTE.
H.R. 918: Mr. TERRY, Mr. FERGUSON, and Mr. MCDERMOTT.
H.R. 962: Mr. WYNN.
H.R. 1043: Mr. KIND and Mr. BOEHLERT.
H.R. 1083: Mr. STRICKLAND, Mr. JENKINS, and Mr. SPRATT.
H.R. 1084: Mr. GREEN of Wisconsin.
H.R. 1105: Mr. GEPHARDT.
H.R. 1117: Mr. HALL.
H.R. 1136: Mr. LEVIN.
H.R. 1173: Mr. WALSH.
H.R. 1225: Mr. REYES.
H.R. 1231: Mrs. JOHNSON of Connecticut.
H.R. 1306: Mr. MORAN of Virginia.
H.R. 1345: Mr. DEUTSCH and Ms. CARSON of Indiana.
H.R. 1359: Mr. MORAN of Virginia.
H.R. 1480: Mr. HONDA.
H.R. 1501: Ms. PELOSI, Mr. TOWNS, Mrs. MALONEY, Mr. BACA, Mr. DOOLEY of California, Mrs. DAVIS of California, Mr. ORTIZ, Mr. PALLONE, Ms. DELAURO, Mr. GORDON, Ms. WATSON, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, and Mr. RODRIGUEZ.
H.R. 1552: Mr. VITTER.
H.R. 1639: Mrs. JONES of Ohio.
H.R. 1700: Mr. MICHAUD.
H.R. 1734: Ms. JACKSON-LEE of Texas, Mr. FILNER, and Mr. CASTLE.
H.R. 1735: Mr. GRIJALVA, Mr. MICHAUD, Ms. LOFGREN, and Ms. SOLIS.
H.R. 1736: Mr. PRICE of North Carolina.
H.R. 1749: Mr. BOEHLERT.
H.R. 1755: Mr. FRANKS of Arizona.
H.R. 1762: Mr. KLECZKA.
H.R. 1769: Mr. BISHOP of New York.
H.R. 1871: Mr. HOEFFEL.
H.R. 1873: Mr. MORAN of Virgina.
H.R. 1919: Mr. SAXTON and Mr. DEFAZIO.
H.R. 2011: Mr. HOYER.
H.R. 2157: Mr. HOBSON and Mr. SANDERS.
H.R. 2181: Mr. UPTON.
H.R. 2201: Mr. UDALL of New Mexico.
H.R. 2217: Mrs. DAVIS of California.
H.R. 2227: Mr. HINOJOSA.
H.R. 2265: Mr. HERGER.
H.R. 2394: Mr. HILL and Mr. CHANDLER.
H.R. 2494: Mr. LEACH.
H.R. 2525: Mr. DOOLEY of California, Mr. HINJOSA, and Ms. JACKSON-LEE of Texas.
H.R. 2527: Mr. PASCRELL.
H.R. 2536: Mr. GRIJALVA.
H.R. 2621: Mr. MCDERMOTT.
H.R. 2699: Mr. PORTMAN, Mr. EHLERS, Mr. GUTKNECHT, Mr. BOEHLERT, Mr. WYNN, Mr. ROSS, and Mr. EMANUEL.
H.R. 2711: Mr. OTTER.
H.R. 2735: Ms. SCHAKOWSKY and Mrs. NORTHUP.
H.R. 2828: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2941: Mr. BACA.
H.R. 2952: Mr. MOORE.
H.R. 2959: Mr. FRANK of Massachusetts, Mr. BOYD, and Ms. PRYCE of Ohio.
H.R. 3004: Mr. HOLT.
H.R. 3111: Mr. MARSHALL, Mr. SHAW, Mr. DAVIS of Illinois, and Mr. KING of New York.
H.R. 3127: Mr. FILNER and Mr. MORAN of Virginia.
H.R. 3194: Mr. CUNNINGHAM, Mr. RUSH, Mr. PALLONE, Mr. FROST, and Mr. SMITH of New Jersey.
H.R. 3204: Mr. PITTS.
H.R. 3220: Mr. CROWLEY and Mr. DAVIS of Alabama.
H.R. 3242: Mr. COLLINS.
H.R. 3307: Mr. OSBORNE.
H.R. 3308: Mr. SIMPSON and Mr. OTTER.
H.R. 3309: Ms. JACKSON-LEE of Texas, Mr. RANGEL, and Mr. GRIJALVA.
H.R. 3355: Mr. DEUTSCH.
H.R. 3359: Mr. MORAN of Virginia.
H.R. 3378: Mr. OWENS, Mr. WEXLER, Mr. WEINER, Mr. UDALL of New Mexico, Mr. SERRANO, Mr. GALLEGLY, and Mr. HONDA.
H.R. 3422: Ms. WATSON.
H.R. 3446: Ms. LOFGREN, Ms. DELAURO, Mr. SHAW, Mr. MEEHAN, and Mr. NADLER.
H.R. 3450: Mr. ABERCROMBIE, Mr. GORDON, Ms. HOOLEY of Oregon, Mr. HINOJOSA, and Mr. LANGEVIN.
H.R. 3563: Mr. BURNS.
H.R. 3567: Mrs. JONES of Ohio, Mr. THOMSPON of Mississippi, Mr. PALLONE, and Mr. DEUTSCH.
H.R. 3574: Mr. LANTOS and Mr. JONES of North Carolina.
H.R. 3593: Mr. GRIJALVA and Ms. NORTON.
H.R. 3696: Mr. GEORGE MILLER of California.
H.R. 3716: Mr. GREENWOOD, Mr. CRAMER, and Mr. MARSHALL.
H.R. 3719: Mr. PAYNE and Mr. FARR.
H.R. 3729: Mr. ANDREWS, Mr. HONDA, and Mr. CASE.
H.R. 3731: Ms. SCHAKOWSKY.
H.R. 3737: Ms. NORTON.
H.R. 3751: Mr. VAN HOLLEN.
H.R. 3779: Ms. LEE and Mr. MCCOTTER.
H.R. 3800: Mr. COLLINS, Mr. BALLENGER, Ms. DUNN, and Mr. NUNES.
H.R. 3801: Mr. ROGERS of Alabama, Mr. TOM DAVIS of Virginia, and Mr. MILLER of Florida.
H.R. 3802: Mr. ETHERIDGE, Mr. MOORE, Mr. INSLEE, Mr. PASCRELL, and Mr. MORAN of Virginia.
H.R. 3858: Mr. BAKER, Mrs. WILSON of New Mexico, Mr. BRADLEY of New Hampshire, Mr. WELDON of Florida, Mr. STENHOLM, and Mr. DICKS.

H.R. 3889: Mr. WICKER and Mr. GREEN of Wisconsin.

H.R. 3903: Mr. QUINN and Mr. SNYDER.

H.R. 3916: Mr. LEACH.

H.R. 3950: Mr. ENGLISH.

H.R. 3968: Mr. DOGGETT and Mr. WAXMAN.

H.R. 3980: Mr. HALL, Ms. ROS-LEHTINEN, Mr. CARTER, Mr. PRICE of North Carolina, Mr. CULBERSON, Mrs. CAPITO, and Mr. LUCAS of Oklahoma.

H.R. 3987: Mr. GRIJALVA and Ms. JACKSON-LEE of Texas.

H.R. 3988: Mr. TOWNS, Mr. KILDEE, Mr. OWENS, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. RUSH, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. SANDERS, and Mr. FROST.

H.R. 4016: Mr. CONYERS and Mr. TERRY.

H.R. 4026: Mr. SIMMONS and Mr. WHITFIELD.

H.R. 4057: Mr. GREEN of Wisconsin.

H.R. 4061: Ms. MILLENDER-MCDONALD, Ms. HARRIS, Mr. HONDA, Mr. HASTINGS of Florida, Mr. GREENWOOD, and Mr. HOEFFEL.

H.R. 4063: Mr. CUMMINGS.

H.R. 4065: Mrs. WILSON of New Mexico, Mr. MILLER of Florida, Mr. GINGREY, Mr. ENGLISH, Mr. SMITH of New Jersey, Mr. MCCOTTER, and Ms. HART.

H.R. 4067: Mr. BLUMENAUER, Ms. LEE, Mr. HINCHEY, Mr. CASE, Mr. HONDA, Mr. MCDERMOTT, and Mr. CASTLE.

H.R. 4108: Mr. BEREUTER, Mr. FERGUSON, Mr. CROWLEY, Mr. ANDREWS, Mrs. MALONEY, Mr. EMANUEL, Mr. HINCHEY, Mr. FORD, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. TIBERI, Ms. PELOSI, Mr. ACKERMAN, and Mr. GERLACH.

H.R. 4126: Mr. BRADLEY of New Hampshire, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. NETHERCUTT, Mr. MCCOTTER, Mr. MANZULLO, Mr. MILLER of Florida, and Mr. GARRETT of New Jersey.

H.R. 4131: Ms. PRYCE of Ohio.

H.R. 4142: Mr. GARRETT of New Jersey and Mrs. MUSGRAVE.

H.R. 4143: Mr. SHAYS.

H.R. 4147: Mr. FROST, Mr. GRIJALVA, and Mr. KUCINICH.

H.R. 4150: Mr. KING of New York.

H.R. 4169: Mr. BURTON of Indiana, Mr. OWENS, and Mr. MICHAUD.

H.R. 4181: Mr. WAMP, Mr. ROGERS of Michigan, Mr. WELDON of Florida, Mr. BURNS, Mr. BOEHNER, and Mr. BROWN of South Carolina.

H.R. 4182: Mr. DOOLEY of California, Mr. PRICE of North Carolina, Mr. MCDERMOTT, and Mr. ACEVEDO-VILA.

H.R. 4185: Mr. SOUDER and Ms. HARRIS.

H.R. 4192: Mr. CARDOZA, Mr. FARR, Mr. LEVIN, Mr. SABO, Mr. GUTIERREZ, Mr. MEEKS of New York, Mr. RUSH, Mr. DELAHUNT, Mr. GREEN of Texas, Mr. LAMPSON, Mr. BELL, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.J. Res. 72: Mr. DAVIS of Illinois, Mr. POMEROY, Mr. FARR, Mr. DEFAZIO, and Mr. PASCRELL.

H.J. Res. 91: Mr. FILNER.

H. Con. Res. 98: Mr. CULBERSON.

H. Con. Res. 218: Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 224: Mr. DUNCAN.

H. Con. Res. 242: Mr. VAN HOLLEN.

H. Con. Res. 261: Ms. LEE, Ms. DELAURO, Mr. BISHOP of Georgia, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. REYES, Mr. OWENS, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. ROSS, and Mr. ROTHMAN.

H. Con. Res. 298: Mr. BAKER and Mr. BROWN of South Carolina.

H. Con. Res. 330: Mr. SIMMONS, Mr. DEUTSCH, and Mr. HINOJOSA.

H. Con. Res. 332: Mr. CRAMER and Mr. SKELTON.

H. Con. Res. 366: Mr. RUPPERSBERGER, Mr. ISRAEL, Ms. LOFGREN, Mr. OLVER, Mr. MICHAUD, Mr. JACKSON of Illinois, Mr. SMITH of Washington, Mr. WATT, Mr. TAYLOR of Mississippi, Mr. LANGEVIN, Mr. DAVIS of Alabama, Mr. INSLEE, and Mr. BALLANCE.

H. Con. Res. 371: Mr. CRAMER.

H. Con. Res. 375: Mr. HONDA, Mr. CUMMINGS, Mr. LAHOOD, and Mr. LANGEVIN.

H. Con. Res. 378: Mrs. NAPOLITANO, Mrs. LOWEY, Mr. MICHAUD, and Mr. DEUTSCH.

H. Con. Res. 390: Mr. RUPPERSBERGER, Mr. PALLONE, Mr. BACHUS, Mr. CRAMER, and Mr. DEUTSCH.

H. Con. Res. 391: Mr. WEXLER and Mr. KENNEDY of Rhode Island.

H. Con. Res. 392: Ms. NORTON and Mr. FILNER.

H. Con. Res. 396: Ms. ESHOO and Ms. SLAUGHTER.

H. Con. Res. 406: Mr. BRADY of Pennsylvania.

H. Res. 313: Mr. CASE and Mr. PASCRELL.

H. Res. 516: Mr. DOYLE.

H. Res. 550: Mr. JENKINS and Mr. ALLEN.

H. Res. 575: Mr. WAMP.

H. Res. 577: Mr. BLUNT, Mr. PAYNE, Mr. BLUMENAUER, Mr. BERMAN, and Mr. GALLEGLY.

H. Res. 596: Ms. DELAURO, Mr. ENGLISH, Mr. MURTHA, Ms. HARRIS, Mr. BEREUTER, Mr. FROST, and Mr. NEY.

H. Res. 598: Mr. BOEHNER, Mr. BURR, Mr. CASE, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. EDWARDS, Mr. ETHERIDGE, Mr. HOLT, Mr. KENNEDY of Rhode Island, Mr. MCKEON, Mr. MCINTYRE, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. RYUN of Kansas, Mr. SIMMONS, Mrs. TAUSCHER, and Mr. TERRY.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 7. April 21, 2004, by Mr. BAIRD on House Resolution 572, was signed by the following Members: Brian Baird, Lloyd Doggett, Max Sandlin, John W. Olver, Jim McDermott, Janice D. Schakowsky, Shelley Berkley, Luis V. Gutierrez, George Miller, Peter A. DeFazio, Sherrod Brown, Joseph M. Hoeffel, Bob Filner, Marcy Kaptur, C. A. Dutch Ruppersberger, Michael M. Honda, Jim Cooper, Adam B. Schiff, Jesse L. Jackson, Jr., Stephanie Tubbs Jones, Stephen F. Lynch, Dale E. Kildee, Ciro D. Rodriguez, Solomon P. Ortiz, Grace F. Napolitano, Wm. Lacy Clay, Michael H. Michaud, Nydia M. Velazquez, Joe Baca, Hilda L. Solis, Bob Etheridge, Artur Davis, David Scott, Mike Ross, Charles A. Gonzalez, Karen McCarthy, Julia Carson, Jane Harman, Diane E. Watson, Maurice D. Hinchey, Rick Larsen, Lincoln Davis, Frank W. Ballance, Jr., Carolyn McCarthy, Nita M. Lowey, Charles B. Rangel, Betty McCollum, Dennis A. Cardoza, Sam Farr, Sanford D. Bishop, Jr., John Lewis, Brad Sherman. James R. Langevin, Susan A. Davis, Timothy H. Bishop, Lynn C. Woolsey, James L. Oberstar, Diana DeGette, Louise McIntosh Slaughter, Xavier Becerra, Chris Van Hollen, Albert Russell Wynn, Donald M. Payne, Linda T. Sanchez, Ron Kind, Danny K. Davis, Bart Stupak, Mark Udall, Martin Frost, Robert A. Brady, Eddie Bernice Johnson, Brad Miller, Tom Udall, Corrine Brown, Dennis Moore, Earl Pomeroy, Lane Evans, Bart Gordon, and Tim Ryan.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: Barney Frank, Darlene Hooley, Dennis Moore, Michael R. McNulty, Norman D. Dicks, Dale E. Kildee, Peter A. DeFazio, Michael E. Capuano, and Bob Filner.