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House of Representatives

The House met at 10 a.m.

The Reverend John M. O'Neill, Pastor, Our Lady of Good Counsel Catholic Church, Vienna, Virginia, offered the following prayer:

God our Father, praise and honor and glory and power forever. Praised be Your Holy Spirit.

Lord God, we come before You this day. Open our hearts and minds to Your words and Divine Will today and every day. Help us to learn Your desires for our lives. Encourage us, through the assistance of those here present, our representatives, to always follow Your lead and to avoid straying from Your compassionate love.

Guide us in our deliberations during this session of Congress and counsel us always to be Your faithful children.

We especially pray, Lord, that You guide the leaders of our Nation and extend Your loving protection to our men and women serving in our Armed Forces around the world, particularly in Afghanistan and Iraq. Grant us the peace which is the fruit of justice and charity, and may Your peace reign in our land and throughout the world. 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 Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

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

INTRODUCTION OF GUEST CHAPLAIN, FATHER JOHN M. O'NEILL

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I want to thank Father John O'Neill for joining us as guest chaplain and offering this morning's prayer.

Father O'Neill is the outgoing pastor of Our Lady of Good Counsel Catholic church in Vienna, Virginia, where he has served for the past 12 years. Father O'Neill received his undergraduate degree and master's degree in psychology from Catholic University of America in Washington, D.C. He completed his theological studies at de Sales School of Theology in Washington, D.C., and was ordained in June of 1973. Father O'Neill served as a guidance director/teacher at Bishop Ireton High School for 10 years and then served as the academic dean and teacher at Paul VI High School in Fairfax, Virginia, for 2 years.

Under his guidance as associate pastor and pastor, Our Lady of Good Counsel Catholic Church enriched the spiritual lives of its parishioners and the community around it.

Father O'Neill's contributions both in northern Virginia and throughout the Commonwealth have made him an invaluable spiritual leader for my constituents. As he moves on to his sabbatical in Rome, he will be dearly missed by all of us.

We thank him for offering today's prayer.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 10 1-minute speeches on each side.

DO NOT IGNORE WESTERN SAHARA

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

Mr. PITTS. Mr. Speaker, the King of Morocco is in Washington to tout the newly signed U.S.-Morocco Free Trade Agreement. I am a free trader, but I have serious reservations about this plan.

Morocco today illegally occupies a country in West Africa known as Western Sahara. The King's government has promised people of Western Sahara, the Sahrawi, a vote to determine their own future. It has not happened, and it keeps delaying.

A decade after that promise, powerful friends help the Moroccan Government postpone this vote and consolidate control over the occupied territory. The Sahrawis are a peaceful, pro-Western and prodemocracy people. Despite living under an illegitimate colonial power, they have established a deep-rooted culture of democracy capable of supporting a viable state. They elect their own leaders, many of them women, provide education and equal rights to all of their citizens, men and women.

The only stability a sovereign democratic Western Sahara disrupts is a status quo defined by tyranny. We should keep that in mind when we vote on the trade agreement on the House floor.

TOBACCO FARMERS NEED THE PRESIDENT'S HELP

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

Mr. ETHERIDGE. Mr. Speaker, I rise this morning to call on the President to get off the sidelines and support the tobacco buyout once and for all.

Mr. Speaker, across the country families are feeling the economic squeeze of higher prices for gasoline, food, and college, record job losses, and an uncertain future. In my State of North Carolina and in other rural areas, tobacco

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farm families are hurting because of the implosion of the Depression-era quota system. Farmers desperately need a tobacco buyout, which this House has passed, but the President continues to fail to support our farm families.

Yesterday the President flew to Raleigh to raise money for his campaign. Although he collected $25,000 per plate in campaign funds, he failed yet again to stand up for our tobacco farmers and support the buyout.

Let me state clearly: JOHN KERRY supports the tobacco buyout and rural America. JOHN EDWARDS supports the tobacco buyout and rural America. Democrats and Republicans alike in this House and the other body are working together to get it done.

We need leadership for a change from the President of the United States for our small towns and rural communities.

THE EDWARDS AND KERRY LIBERAL AGENDA IS OUT OF TOUCH WITH AMERICA

(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, on Tuesday the most liberal Member of the Senate chose the fourth most liberal Member of the Senate to become his running mate for Presidency of the United States.

It is important for Americans to know the truth about JOHN EDWARDS' liberal voting record that is out of touch with the mainstream values of America. JOHN EDWARDS voted twice against President Bush's tax relief that has lifted the economy and helped create 1.5 million new jobs since August. JOHN EDWARDS voted twice against the new prescription drug benefit added to Medicare that will help seniors live longer at reduced cost. JOHN EDWARDS has voted against banning partial birth abortions. JOHN EDWARDS has said he is against the Defense of Marriage Act. JOHN EDWARDS has voted to cut billions from our military. JOHN EDWARDS has also voted six times against President Bush's plan for the new Department of Homeland Security.

JOHN EDWARDS is the same as JOHN KERRY, a liberal Senator that does not represent the mainstream values of America.

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

THE BUSH-CHENEY ADMINISTRATION

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

Mr. EMANUEL. Mr. Speaker, some people like to make experience the issue for the Vice President of the United States of America.

Let me ask how much experience does it take to wave the banner ''Mission Accomplished'' and watch another 700 Americans lose their lives and not change their policy? How much experience does it take to watch 44 million Americans without health insurance and have no policy for universal care? How much experience does it take to watch college costs rise by 26 percent and not pass or have any legislation to alleviate the financial pain for middle-class families when it comes to afford college education for their children? How much experience does it take to watch $200 billion worth of retirement savings evaporate and not have a plan for retirement security? How much experience does it take to see household bankruptcies rise by over a third in this country and not have a plan to deal with household bankruptcy? How much experience does it take to watch health care costs rise by a third and not have a plan to deal with the uncontrollable health care inflation in this country?

I am not sure we can take this much experience from the Bush-Cheney administration for another 4 years.

THE TOYOTA PRIUS

(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, Congress has been unable to pass an energy bill, an energy policy, that would allow us some measure of independence from foreign oil imports in this country. But a couple of weeks ago just before our break, we were treated to the exhibition of several cars that embrace the hybrid technology, the gas/electric technology, here on Capitol Hill. Many of us did not have the chance to get over and look at those.

But I just wanted to call attention to the 2004 Motor Trend Car of the Year, the Toyota Prius, and if I could quote from their article, that the Prius brilliantly, more than any other car, is a feature-packed and user-friendly gas/electric hybrid capable of delivering an astonishing 60 miles to the gallon in city driving. They go on to say that the all-new 2004 Prius is an altogether more compelling car than any other, that it is the first hybrid that any enthusiast could not only enjoy, but it provides a tantalizing preview of what the future of extreme fuel efficiency, ultralow emissions, and stirring performance where they will happily coexist in one package.

Mr. Speaker, this was truly a bipartisan technology. I understand that on the other side even the gentleman from California (Mr. HONDA) owns a Toyota.

ENRON

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

Mr. DEFAZIO. Mr. Speaker, finally, finally Enron chief executive Kenneth Lay, or ''Ken Boy'' as the President affectionately called him, has been indicted and done the perp walk. He masterminded Enron, a corporation that built billions from millions in the Western United States while his employees gloated about sticking it to Grandma Milly. Every Oregonian is paying 40 percent more for their electricity because of manipulation of the market by Enron.

Now the President does not return Ken Boy's calls anymore despite his past generosity, but the President should do more. The President should return the $139,500 Ken Lay personally contributed to him, the $602,625 that Enron gave to President Bush. This is money stolen from Grandma Milly and other Western consumers, and the President should give it to a low-income energy assistance fund. It is tainted money. Let us put this chapter behind us, but let us have restitution, Mr. President.

SUPPORT AMENDMENT TO REDIRECT $20 MILLION FROM UNITED NATIONS

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

Mr. SMITH of Michigan. Mr. Speaker, there is going to be a short time for debate this afternoon. I am introducing an amendment today to take $20 million from the U.N. and redirect it to come up to what the President requested for NIST, for research in technology and science.

And I would just suggest to my colleagues, Mr. Speaker, that after the fall of Iraq, information has come to light about the United Nations' Oil for Food program and some of the apparent corruption. Now there is an unwillingness of several countries, including the United Nations itself, to not release the kind of information that is going to help us solve this scandal. The U.N., according to the Wall Street Journal, has kept hundreds of millions of dollars of Oil for Food money that should have gone to the Iraqi people. Now the United States taxpayers are paying that.

I hope my colleagues will support my amendment today.

A NEW PRESIDENTIAL TICKET FOR A NEW AMERICA

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK. Mr. Speaker, 3½ years ago when the Bush administration took over, our country had a $236 billion surplus. We also had created in the Clinton administration 22 million new jobs. Today we are in deficit. The deficit will be higher than it ever has been in the history of our country, nearly $500 billion. Today we are losing jobs to outsourcing. And what do the President's advisers say? Outsourcing is good.

President Bush was in Michigan yesterday. Did he talk about our economy,

how we are going to save our jobs, how we are going to keep higher tuition from going up? A 26 percent increase in tuition. How are America's children going to learn and have the opportunities they must have?

Something is wrong with this ticket. We have a new ticket: Kerry-Edwards, a new America for new people, so children can prosper, so that our schools can be well, so that our health system can be back to what it ought to be.

I say to America, come on, get out. It is their turn, express their views. A new America for a new American family.

ATTORNEY GENERAL ASHCROFT AND HOMELAND SECURITY FUNDING

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

Mr. SHAW. Mr. Speaker, I come to the floor today for the fifth time to speak in protest of the unfair allocation of Urban Area Security Initiative grants from the Department of Homeland Security. Broward and Palm Beach Counties in my district have not received nearly enough, no, not nearly enough, of the funding they need to keep our families and our communities safe from terrorist threats.

Attorney General John Ashcroft issued a warning in south Florida on July 1 that the terrorists behind the deadly assaults on September 11 are between 75 and 90 percent complete with their plans for a major attack against the United States this year. Mr. Speaker, our region with its ports, airports and millions of visitors cannot be ruled out as a possible target or terrorist base of operation.

In my district we are very much aware of the area's vulnerability. We are at a high level of intensity in south Florida. Broward County and Palm Beach County must be designated as its own urban area so that we can receive the funding we need to enhance the security measures that will protect our families, our communities and critical infrastructure.

□ 1015

The City of Miami cannot be trusted to allocate these funds.

FORCING KEN LAY AND FRIENDS TO REPAY STOLEN FUNDS

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

Ms. WATSON. Mr. Speaker, today is the first good day that Grandma Millie has had in a long time. Disgraced former Enron chairman Ken Lay has surrendered to the authorities. This is an important milestone. Many Americans, including myself, worried that Lay's close ties to President Bush would permit him to go free. I am heartened that it appears those fears have been proven wrong.

But while Lay's arrest is an important step on the road to justice, justice will not be complete until the victims of Enron's crimes get back the money that Lay and his cronies stole from them. The full scale of Enron's greed is laid bare on recently released tapes, where Enron traders openly crow about stealing millions of dollars each day from Grandma Millie.

What a shame. My congressional district in Los Angeles is full of Grandma Millies, hard-working homeowners who pay their bills on time and in full. They deserve better than this.

I call upon all of us to join to force Ken Lay and his friends to repay the total amount of stolen money.

SUPPORTING SMALL BUSINESS WITH 7(a) LOANS

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

Ms. BERKLEY. Mr. Speaker, small businesses are the economic engine of this country. My home State of Nevada is considered one of the most business-friendly States in the Nation. In fact, Nevada has the fastest growing number of women-owned small businesses in the country.

The Bush administration talks about the importance of our small businesses, yet the President's budget eliminated funding for the SBA's 7(a) loan program. Our entrepreneurs depend on these loans as the only source of affordable, long-term financing for their small businesses.

Yesterday, the House voted to restore the funding for this program. That sent a clear message to this administration that we will not tolerate this attempt to jeopardize the strength of the small business community.

Yesterday's vote was a vote for small businesses in Nevada and throughout the United States that depend on the SBA's 7(a) loan program to live their dream of owning a business, expanding their existing business, and hiring new workers.

It is time for new leadership in the White House. We need a President that not only talks about the importance of our small businesses, but follows up those words with action to fight for our small business community.

VALUES

(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, the administration likes to wrap itself in so-called middle-class values. Let us compare the rhetoric to the record.

This administration has gutted section 8 housing. America's most vulnerable citizens literally may be evicted from their homes as a result.

This administration has refused to extend unemployment benefits, even though the money is there to help America's economically disadvantaged.

This administration has rolled back environmental regulations, fouling the air we breathe and the water we drink.

This administration has lavished tax cuts on the rich, and crumbs on the middle-class.

This administration has underfunded education to such an extent that every child is left out, not just a few left behind.

This administration did such a good job of working with big drug companies that they were able to raise prices three times the rate of inflation before the prescription drug bill passed.

These are not middle-class values. Middle class values are common sense, common decency and the common good.

Middle-class values are going to return to the United States in 117 days.

Mr. Speaker, let the President know he ought to start packing. They are about to leave.

PRAISING SELECTION OF JOHN EDWARDS AS RUNNING MATE

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

Mr. PALLONE. Mr. Speaker, I want to praise JOHN KERRY's selection of Senator JOHN EDWARDS as his running mate.

For more than 2 decades, Senator EDWARDS has been fighting on behalf of the little guy against America's large corporate interests. JOHN KERRY picked the perfect running mate to complete a ticket that brings hope to middle-class Americans that their needs will no longer be ignored at the White House.

Senator EDWARDS talks movingly and effectively about two Americas. Over the past 3 years, the bridge between them has grown dramatically, thanks to failed policies pushed by the Bush administration that benefit only the privileged few. I am confident the Kerry/Edwards ticket will energize Americans to demand a change of course and support a new vision for America.

PROVIDING FOR CONSIDERATION OF H.R. 3598, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 706 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 706

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. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. 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 Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

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

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 706 is a structured rule that provides for the consideration of H.R. 3598, the Manufacturing Technology Competitiveness Act of 2004. The rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule also provides a motion to recommit, with or without instructions.

This is a fair rule, one that provides for a coherent bill. The underlying legislation is the realized result of extensive discussions on a bipartisan level. It is very important that this legislation move forward and that it be sent to the President's desk in an effort to support and assist our small and medium businesses, especially in the manufacturing sectors.

H.R. 3598 reauthorizes the Manufacturing Extension Partnership, MEP, which continues to be a resounding success. The MEP is a network of not-for-profit centers that assist businesses in their daily operations. From plant management to technical assistance, the MEP continues to strengthen our manufacturers through hands-on assistance.

It only takes a cursory look at a survey in 2003 on MEP's success to realize the benefits. As a result of MEP's help over that year, companies created or retained over 35,000 jobs and invested nearly $1 billion in new technology, equipment and training. During that same period, sales for small and medium MEP-assisted companies rose by $1 billion.

Boasting a long list of success stories, this program received $106 million in the House version of the Commerce, Justice, State, Judiciary appropriations bill which is expected to pass the House later today.

The legislation expands on previous achievement by authorizing a new Collaborative Manufacturing Research Grants program at $40 million in fiscal year 2005. The additional funding will allow manufacturing and small business to focus on the new challenges that face their economic livelihood. As a result of the new grants, manufacturing companies will be able to join with groups such as not-for-profit organizations, research groups and universities to focus on technology changes. All of this research will be used to accelerate industry technology and continue strong viability.

Of the many important small business manufacturers that use these important grants, Hialeah Metal Spinning in my congressional district stands out to me. I meet frequently with Karla Aaron, the president and owner of Hialeah Metal Spinning, regarding important manufacturing issues in south Florida. Ms. Aaron has served on various local, professional and national boards, including the Board of Directors for the National Association of Manufacturers. This incredible company over which she presides, with only 14 employees, is one of the leading manufacturers of precision metal-formed parts.

Hialeah Metal Spinning could not be as successful without MEP assistance. These grants are used to move forward important employee training in a successful effort to stay on the leading edge of manufacturing technology. I was surprised to learn that these grants only pay part of select training sessions, which may range up to $150 per hour. However, constant training is essential to the manufacturing business, and the MEP assistance is extremely important.

Mr. Speaker, this is a good bill that helps all of our local manufacturers. We bring it forward under a fair rule to the floor.

I would like to thank the gentleman from New York (Chairman BOEHLERT) and the gentleman from Michigan (Mr. EHLERS) for their leadership on this important issue. I urge all of my colleagues to support both the rule and the underlying legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes.

Mr. Speaker, historically, manufacturing has been a major generator of good, high-skilled, well-paid jobs and remains a staple of local and State economies throughout the Nation. But manufacturing jobs are disappearing.

From January 2001 to January 2004, the United States lost 2.5 million manufacturing jobs. Manufacturing's decline and the shipping of manufacturing jobs to other countries threaten the livelihood of millions of America's working families.

In western New York, I have seen firsthand the devastation that occurs when communities lose their manufacturing base. Across my district, from Rochester to Buffalo, tens of thousands of high-paying manufacturing jobs have vanished and are vanishing in just the last few years, as companies have been driven out of business by cheaper foreign imports or have outsourced jobs abroad for cheaper labor. Buildings once home to booming businesses and factories now stand abandoned. In western New York and across the country, people are outraged; and they want their Congress to do something.

One small way the Federal Government can help is through the Manufacturing Extension Program. MEPs around the Nation work with small and medium-sized manufacturing businesses to utilize technology so that the companies improve and grow. Experts help train manufacturing employees, adopt better business practices, and take advantage of new technology.

For every Federal dollar spent on MEPs, the client manufacturing companies have benefited more than $8. That is, every $1 benefits by $8. In New York State, over 1,000 manufacturers have benefited from MEPs. In western New York alone, almost 6,000 small manufacturers have been helped.

□ 1030

Just recently, High Tech Rochester, an MEP provider, joined forces with the New York State Research and Development Authority, the Greater

Rochester Enterprise, and the Rochester Institute of Technology in a collaborative effort focused on identifying, incubating, and creating renewable energy companies in western New York. These public-private partnerships are the key to revitalizing our economy and creating good manufacturing jobs.

Inexplicably, the Bush administration wanted to end the MEP program last year. As the economy hemorrhaged jobs, the administration proposed to slash this program that works by 60 percent for fiscal year 2004, threatening as many as 40 MEP centers across the country. I was proud to join my colleague, the gentleman from New York (Mr. QUINN), to protest these ruinous cuts.

Reauthorizing the MEP program is one thing that we can do, but we should be doing more. Congress could require the Secretary of Commerce to develop a revitalization program for the electronic component sector. Such a plan would evaluate the potential impact on the domestic electronic component sector if all America's new weapons and security equipment purchased by the Departments of Defense and Homeland Security contain domestically manufactured electronic components like computer chips. This could bring new life into this manufacturing sector, resulting in good, new jobs for hard-working Americans.

I offered an amendment in the Committee on Rules to require the Commerce Secretary to develop a revitalization plan, but the Committee on Rules refused to allow it. I also offered an amendment expressing the sense of the Congress that the Federal Government can be a partner not only in research and development of new products, but also revitalization of key sectors of domestic manufacturing. The Federal Government can take proactive steps to help revive the domestic electronics component sector by adopting Federal procurement policies that promote or require the use of domestic-made goods. The Committee on Rules also refused to make this amendment in order.

The changes in our Federal procurement policies could reignite the lagging high-tech sector. Why in the world do we not want to do that? Why are we stopping here with very little, albeit important measures? The ripple effect of such policies would be enormous and would help domestic manufacturers to compete with foreign manufacturers in private sector activities. Such an initiative could create jobs in the manufacturing sector.

Mr. Speaker, it is a truth that for most workers in America who have lost good-paying jobs, the second job not only pays less salary, but fewer or no benefits. Consequently, the standard of living is falling in the United States. It is high time that the Congress began to debate that and have a better understanding of what we, the Congress, can do.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

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

Mr. BOEHLERT. Mr. Speaker, I rise in support of this rule. It is a fair rule that will enable consideration of all of the amendments that are directly related to this bill.

The stated goal of every Member of this body is to try to help smaller manufacturers compete, and H.R. 3598 is designed to do just that. But H.R. 3598 will only result in real assistance to manufacturers if it gets signed into law. We want something more than press releases. We want something more than the satisfaction derived from doing something worthy in the House only to have it die elsewhere. We want this signed into law. This is a good bill that can get signed into law.

So what we asked the Committee on Rules to do was to craft a rule that would allow debate on all filed amendments directly related to the bill, and I emphasize that: filed amendments directly related to the bill; but only on those amendments, and that is what the Committee on Rules did. It rejected amendments from both Democrats and Republicans that were not directly related to authorizing manufacturing R&D programs run by the National Institute of Standards and Technology. Now, that seems like a reasonable approach.

We can save for another day, and I am sure that day will come, general debates about outsourcing or specific debates about programs that do not focus exclusively on manufacturing, like the Advanced Technology Program. Indeed, any Member truly interested in funding ATP could have offered an amendment to the Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill that we have been discussing on the floor this week. So this rule is not cutting off any House debate on broader issues that may impinge on manufacturing. There are other vehicles for that debate. The rule simply says that this important bill should not be encumbered by those debates.

I should add that we had very extensive debate on H.R. 3598 in committee. We seriously considered numerous amendments from the other side of the aisle, and we accepted one amendment as offered and two others in modified form. This bill already reflects an animated, but open-minded discussion. This bill has the fingerprints of Republicans and Democrats alike all over it.

Also, as my colleague, the distinguished gentleman from Tennessee (Mr. GORDON), graciously pointed out at the Committee on Rules yesterday, no one thinks that this is not a good bill. It is a good bill that is needed to ensure the continued health of the Manufacturing Extension Partnership program. We all ought to be doing everything we can to move it swiftly through this House in a form in which it can move through the other body and be signed by the President. This rule will ensure that nothing extraneous can hold up our aid to our manufacturers. That is our number one objective: aiding our manufacturers, while allowing full and open debate on matters within the borders of the bill.

Mr. Speaker, I urge adoption of the rule and of H.R. 3598.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, as I listened to my friend, the gentleman from Florida, present the Committee on Rules majority view on the MEP program, it just reconfirmed my belief in epiphany.

Let me remind my colleagues that the MEP program was a bill and a program that the President of the United States, President Bush, has tried to kill for the last 3 years, that the House appropriators and the majority last year produced no funding for. So we are making progress today. And I am glad to hear, as I say, my friend present the view of the Committee on Rules, and I hope it is the view of the majority of this Congress, that the MEP program is important. And then I listened to my friend who is the chairman of the committee, who does know that the MEP is good, and he has fought for it over the years, say, well, even though there are some other things that we might be able to do to help unemployment, let us wait. Let us not mess up this bill.

Mr. Speaker, I am not prepared to tell those 2 million Americans who have lost their jobs over the last 3 years to wait a little longer, to wait, and maybe we will get to some more progress later. I just do not think we can do that.

For that reason, Mr. Speaker, I rise in opposition to House Resolution 706, the rule for consideration of H.R. 3598, the Manufacturing Technological Competitiveness Act. This rule does not allow for consideration of many excellent Democratic amendments that would improve this bill.

For example, the gentleman from Illinois (Mr. COSTELLO) offered an amendment in committee that would have required data collection, study, and policy responses to offshoring of American jobs. We need to understand how these trends are affecting our manufacturing and professional workforce. It is hard to imagine a more needed or a more nonpartisan provision that could help us work together in addressing the challenges of American manufacturing. How in the world can we be addressing a bill that deals with manufacturing and not think about offshoring, and not at least say, can we have a study to see what are the problems and how can we correct that? How

in the world in common sense could we not be dealing with that kind of an amendment today?

The gentleman from Colorado (Mr. UDALL) offered an amendment in committee that would have improved the training of manufacturing technicians at our community colleges. We clearly need to be doing more to address technical training in an increasingly competitive international marketplace. How in the world can we be dealing with a manufacturing bill and not talk about how we can make our workers more productive?

The gentleman from California (Mr. HONDA) offered an amendment in committee that would have funded the Advanced Technological Program at the Department of Commerce at current levels; asking for no additional funds, just let us keep this important program going. The ATP program should be an increasingly important factor in providing needed resources for the entrepreneurs who will create jobs and industries in the future in America. This is not a wish. We know ATP works. It has worked. It has created thousands of jobs all across this country. And there were a number of other worthy amendments that were not made in order as well.

So, Mr. Speaker, during the past 4 years, perhaps nothing has dominated the economic news more than the loss of manufacturing jobs and our manufacturing base. Each new report on job creation and job losses on offshoring and on our growing trade imbalance stimulates lots of hand-wringing and partisan sniping, but the reality is that Congress has done little to directly assist our manufacturing sector, especially our small and medium-sized manufacturing base.

H.R. 3598 provides us with the opportunity to show what Congress can do. The rule for this bill should have provided every Member of this body with the opportunity to offer his or her ideas on dealing with the manufacturing crisis. Surely to goodness we need more ideas, not less ideas, on how to keep jobs here in America. Instead, the rule before us today limits both the amendments that can be offered and the debate time that they can be afforded. It is as if the majority wants to make sure that this bill gets as little public attention as possible. This is not the way one of the most important issues of the day should be handled in this House.

Again, Mr. Speaker, we need more ideas on how to create jobs in this country, how to stop offshoring, not less ideas. For that reason, I encourage a no vote on this rule so that we can come back with an open rule that will allow us to bring all of the ideas to help get America back to work.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. EHLERS), a leader in this Congress who has consistently been working for improvement of technologies and in effect for strengthening the economy of the United States.

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

Mr. Speaker, I rise today in strong support of the rule to bring up H.R. 3598, my bill on manufacturing technology competitiveness. I believe this rule is fair and balanced.

The main goal of H.R. 3598 is to authorize manufacturing programs at the National Institute of Standards and Technology that help small and medium-sized manufacturers innovate so they can remain competitive in the global marketplace. One of these programs is the highly successful Manufacturing Extension Partnership program.

This program has roughly 60 centers and 400 satellite offices throughout the country. These centers provide small manufacturers with tools and assistance to increase productivity and efficiency. They do many things, and for one, they try to bring ideas from the laboratory down to the manufacturing floor. Another example, they might help to redesign a factory floor or help to train workers on how to use the latest technology or equipment. The net impact of these centers has been very beneficial on small to medium-sized businesses and is strongly supported by them as well as the National Association of Manufacturers.

The legislation also creates a collaborative grant pilot program to support research partnerships between academia, industry, nonprofits, and other entities to develop innovative technologies and solutions to scientific problems in manufacturing.

To truly help the manufacturers, we must have a bill that can be passed into law. Therefore, I want to keep this legislation focused on these specific programs that have strong bipartisan support. However, others have wanted to add extraneous provisions that, while well intentioned, take away from the focus of the bill. This is why I may oppose some of the amendments made in order, because I believe they will detract from the bill.

This rule largely helps ensure that the debate will remain on the manufacturing programs at NIST. I think that is fair and is in the best interests of our manufacturing community. I urge my colleagues to support this fair and balanced rule.

I would like to take a few minutes to respond to the ranking member of the Committee on Science for his statements a few minutes ago. I have no question that his intentions and the intentions of his colleagues are good. They are genuinely concerned about manufacturing and manufacturing jobs, just as I am. My concern is that it has taken considerable effort to negotiate this bill. They mentioned that several attempts have been made to kill the MEP program. I believe this bill now fully supports that program, and as written will also receive the support of the administration. I urge my colleague to support the rule and the bill.

□ 1045

I have no difficulty with the ATP program. I think that is something that also has to be revised and resurrected, and I will be working in the future to do precisely that. So I want to assure my colleagues that we are in accord on basic ideas, but we have a lot of work to do before we can proceed with the additional activities that they recommend. And I am certainly willing to help them and work with them as we try to do that in the future.

With that, I conclude by once again urging my colleagues to support this fair and balanced rule, and we hope they will also support the bill and bring it into effect.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in opposition to the rule on H.R. 3598, the Manufacturing Technology Competitiveness Act.

The Committee on Rules blocked consideration of several amendments offered by my colleagues on the House Committee on Science to this bill. This body should have the right to discuss and to debate every amendment offered, not only by the members of the Committee on Science but Members of this body.

One of the amendments that was blocked yesterday by the Committee on Rules was an amendment that I offered which would have required the Under Secretary of Commerce for Technology to do a study on the effects that offshoring manufacturing and professional positions is having and will have on the U.S. economy both now and in the future.

Every day more Americans watch their jobs being shipped overseas. Jobs are disappearing from every sector of the economy, from engineering to health care workers, forcing hundreds of thousands of families into unemployment and low-paying jobs.

Since 2000, we have lost 2.7 million manufacturing jobs, of which 500,000 jobs were in high-tech industries such as telecommunications and electronics. Since 2000, 632,000 jobs have disappeared in high-tech service industries. In 48 of the 50 States, jobs in higher-paying industries have been replaced with jobs in lower-paying industries since November of 2001. Between 2000 and 2003, the number of unemployed college graduates grew at a rate of almost 300 percent compared to 155 percent for workers with a high school degree or lower.

A March survey of 216 CFOs found that 27 percent plan to send more workers offshore in the coming year. Twenty-seven percent of 216 CFOs said that they intended to send more jobs offshore this year.

We currently are unable to assess the short- and long-term effects of the problem because we do not have sufficient or accurate data on the problem. As I testified yesterday before the Committee on Rules, I pointed to the fact that the Wall Street Journal, The Washington Post, and Business Week all have had recent articles pointing to the fact that we lack the data to determine the effects of outsourcing.

Some would have us believe that outsourcing is good for our economy. Others would say that it is negative, and they have drawn their conclusion based upon insufficient data. Mr. Speaker, I intend to offer a motion to recommit, instructing the Committee on Science to report the bill back to the House with a provision requiring the Commerce Department to complete a study on the effects that outsourcing is having and how we can address this issue both in the short and long term.

The administration, the Congress, and the American people deserve to know the facts so that we can work to make business more competitive and create better-paying jobs here at home. Mr. Speaker, I cannot understand why the majority, both on the Committee on Science, in the Committee on Rules, and the majority on the floor that will be voting on this legislation either today or tomorrow would not want additional information concerning the problem of outsourcing.

We simply are saying give us an independent study, assess the problem, tell us where these jobs are going and why they are going offshore, and also what effects it not only is having on our economy today and the future but also on young people who are trying to determine right now what fields to enter in and major in in college. Where are their jobs going to be tomorrow? Where will they be 10 years down the road?

So, Mr. Speaker, I would ask my colleagues to vote ''no'' on the rule so that we can have an open debate on outsourcing and the other amendments that Members choose to offer.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume to make sure any colleagues who are actually listening to the debate realize what we are talking about. The bill we are bringing to the floor extends the Manufacturing Extension Partnership, the MEP, which is a very important program that helps small business stay competitive, which trains workers who are employed by small businesses to retain their competitiveness and increase, obviously, their skills in new technologies. It is a very important program, and that is what we are bringing to the floor today.

A lot of things can be said, and some of them are even true, about macroeconomics and the reality of the world we live in. But what we are bringing forward to the floor today is a bill that extends an important program, and this MEP program is important to small businesses, especially to the manufacturing sector in this country. That is what we are bringing forward.

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member, who I have just promoted, but, in any event, the leader of the Committee on Rules, for yielding me this time.

I start out that way because I hope someone is listening to this debate. I believe it is important to add clarification to my good friend from Florida and to be able to tell the American people and our colleagues what we are really talking about. I wish it were as simple and as sedate as he has so effectively made it seem, but that is not what we are speaking about, Mr. Speaker.

Frankly, we are talking about a very small and narrow representation by our good friends in the majority to answer an enormous and devastating problem that Americans are facing every single day, and that is the loss of manufacturing jobs and the toppling of America as a major economic force, as a singular economic force in this world. We are talking about an R&D bill when we should be talking about retooling the manufacturing infrastructure of America.

The reason why we should be doing that is because we have lost over 3 million jobs, and are continuing to do so. We gained only 112,000 jobs in the last month, when we need 150,000 to barely keep up.

This rule does not do what we asked our colleagues to do in the Committee on Rules, which was to create an open rule so that together, in a bipartisan way, we could focus on creating manufacturing jobs in America. Our distinguished colleague, the gentlewoman from New York (Ms. SLAUGHTER), talked about ''buy America,'' ensuring that industries here, American-based industries, stay here; and not selfishly denying our international posture, but making sure we make jobs and keep jobs in America.

Why would we not have the Costello amendment that simply asks a question about outsourcing, which is the major burnout of manufacturing jobs in America? The fact that we are outsourcing, along with other type of necessary skills gives us a gaping hole in the creation of jobs in America. Why would we not want to have education and training, when we have thousands upon thousands of college students coming out of school and possibly not being skilled in the necessary skills of jobs of today? Why would we not suggest that that helps to create a better trained population?

The Advanced Technology Program has helped us generate increased and cutting-edge technology. Why we would not want to have that amendment to really have a vigorous debate on creating manufacturing jobs, I just do not know.

I am offering an amendment to ensure that the MEP centers are not stopped and closed, and I would hope my colleagues would support those amendments that would increase the opportunity for the MEP centers to be in place.

Mr. Speaker, what I wanted today was a vigorous discussion on creating manufacturing jobs and keeping them in America. I am sad to say we have not reached that point with this rule. I hope my colleagues will see fit to not support a rule so that we can have an open rule and do what we are asked to do, bring jobs back to America.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the distinguished leader of the Committee on Rules for yielding me this time, and I rise in opposition to this rule. It makes in order only three of the 10 Democratic amendments offered.

The essence of the bill, as well as many of the amendments offered at the Committee on Rules, were derived from legislation I introduced last year, the American Manufacturing Works Act, a bill that the gentleman from Michigan (Mr. EHLERS) cosponsored before introducing his own bill 4 months later.

It is said that imitation is the sincerest form of flattery, so I must say that I am flattered that so much of the bill we are considering today originated from my bill and from Democratic efforts. But the imitation and flattery stopped during the committee markup, during which it was made clear that amendments not acceptable to the administration would not be viewed favorably. This is despite the fact that the amendments being offered made good policy sense and were endorsed, in many cases, by manufacturing groups, such as the Modernization Forum, which presumably have some knowledge about what the manufacturing sector needs to regain its health.

So along with many others, I offered an amendment that was voted down in the committee. My amendment recognized that one of the most critical elements of our manufacturing competitiveness is to have a technically trained workforce. This amendment would have expanded the National Science Foundation's Advanced Technology Education Program to include the preparation of students for manufacturing jobs.

Now, apparently, the Committee on Rules determined, as the Committee on Science majority already did, that providing training for our workforce is not important. The Committee on Rules also determined that we do not need a study assessing trends related to outsourcing and that we do not need to

authorize the Advanced Technology Program, a program that the chairman, the gentleman from New York (Mr. BOEHLERT), and subcommittee chairman, the gentleman from Michigan (Mr. EHLERS), support and that they recommended in testimony before the Appropriations Subcommittee be funded at $169 million.

The committee's decision, Mr. Speaker, unfortunately, seems shortsighted, especially since the manufacturing sector is still suffering. In fact, 11,000 manufacturing jobs were lost last month, for a total of 2.7 million jobs lost over the last 3 years.

Mr. Speaker, as I conclude, it is obvious this rule does not give Members an opportunity to improve the bill. It seems like the majority is more interested in getting the bill's provisions right in order to meet the administration's requirements than they are interested in getting the bill right. So for that reason, Mr. Speaker, I oppose this rule and I urge my colleagues to do the same.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

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

Mr. EMANUEL. Mr. Speaker, I thank my good friend from upstate New York for yielding me this time, and I rise in strong opposition to this rule because I had offered an amendment that was to literally add President Bush's own legislative initiative, the Jobs for the 21st Century Initiative.

On April 5, President Bush, finally realizing that we had a crisis in America of a loss of manufacturing jobs, offered the Jobs Initiative For the 21st Century. That was on April 5, just a short time ago. He said, and let me quote President Bush, ''We are not training enough people to fill the jobs for the 21st century. There is a skills gap. And if we do not adjust quickly, if we do not use our community colleges, we will have a shortage of skilled workers in the decades to come.''

Now, this is a rare moment of bipartisanship on my side. I agreed with the President, and I thought he was right. Now, what happened? You all craft a piece of legislation, and showing a total disrespect for President Bush, you did not include his own initiative on manufacturing jobs.

□ 1100

So I picked up the mantle, and I offered his amendment, his concept, his ideas that he put together; and the Committee on Rules did not think it was worthy of being included. It may not be. Maybe President Bush is not that smart when it comes to manufacturing jobs. He did lose 2.7 million manufacturing jobs under his watch.

The other side of the aisle, when they drafted the legislation, did not include it. There was an amendment offered by a Democrat, and they did not include that amendment. I cannot think of anything more disrespectful to the President than what the majority has done by not including his ideas, his concepts of how to prepare American workers for the 21st century.

Mr. Speaker, they left it on the editing floor. I gave them an opportunity, and they chose partisanship and politics over the skills of American workers for the 21st century.

However, I took a step back and thought about it. It makes total sense to me now that I think about it, because, in fact, the program that we are authorizing, the manufacturing extension program, President Bush has tried to eliminate every year in his budget. As a matter of fact, just a short time ago in his economic plan, his economic advisers said flipping hamburgers should be redefined as a manufacturing job. No disrespect to our hamburger flippers in America, McDonald's and Wendy's and Burger King, they work and do a good job; and we are outperforming Japan and Germany and China in the hamburger-flipping business.

But when this administration has an economic strategy that defines hamburger flipping as a manufacturing job, that literally tries to eliminate the manufacturing extension program year after year, and now in their moment of shame, after 3½ years of being the stewardship of lost jobs, they try to act in this holy picture that they are doing something, not one Republican had the common sense or decency or courtesy to include the President's own plan. And I tried to do it and was shown total disrespect.

Mr. Speaker, the President was not even up here, nor were the President's lobbyists up here, trying to get his initiative included. There is a reason we have lost 2.7 million jobs in manufacturing, because the other side of the aisle does not have a strategy for it and does not give a whit for it.

Mr. Speaker, I will probably in the end vote for the bill because there are some good things in here, but what has become clear to all of us is the President and this Congress run by Republicans do not care about 21st century jobs and the technical skills and the training that is required to fill those jobs.

As the President said, we can add and train an additional 100,000 workers each year, but what did the other side of the aisle do? They left those 100,000 workers and their skills on the editing floor.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I think we all recognize that we are in a manufacturing crisis right now, and it is going to impact the quality of life and the standard of living not only for our generation, but for my little girl's generation and for my grandchildren's generation. We have a crisis. By all accounts, a major portion of that problem is around outsourcing and offshoring of jobs. I have always understood that we cannot solve a problem until we better understand the problem.

We had an opportunity today to try to do something about understanding that problem. The gentleman from Illinois (Mr. COSTELLO) had an excellent amendment that would help us understand it, and I would like to have the gentleman explain to us how we are going to try to understand this problem of outsourcing.

Mr. COSTELLO. Mr. Chairman, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Illinois.

Mr. COSTELLO. Mr. Speaker, let me first say I was utterly amazed in the Committee on Science when I offered my amendment. I thought it would be noncontroversial. We had a number of amendments that there may have been some controversy and debate back and forth on, but I thought offering an amendment that would require an independent study of our government to address one of the major problems in the United States today, the loss of manufacturing and other high-tech jobs offshore, certainly would be acceptable to both sides of the aisle.

Mr. GORDON. It was just a study?

Mr. COSTELLO. Mr. Speaker, it was exactly that. It calls for a study. It would mandate a study. The Secretary of Commerce would be required within 60 days after the President signed this legislation, he would be required to enter into a contract either with the RAND Corporation or any other credible company to do an independent study, report back within a year, and at the conclusion of the year, the Secretary of Commerce would have 4 months to put together his recommendation based upon the results of that study and make recommendations to the Congress.

So that is why I was amazed and again amazed yesterday at the Committee on Rules. We are asking simply to study the problem, identify how many jobs have been lost in what sectors, what does the future look like as far as outsourcing is concerned, and then take action. Members are talking about the number of jobs we are losing overseas, but no one is taking action. With this study the administration would have a blueprint and a plan as to what needs to be done.

Mr. GORDON. Mr. Speaker, I would ask the gentleman, did any Republicans on the Committee on Science vote for the amendment? Did they vote against it?

Mr. COSTELLO. Mr. Speaker, I would say to the gentleman, yes, they did. It was a partisan vote right down the line. The Democrats supported it, and the Republicans opposed it. I was told at the time the reason the Republicans opposed it was because of process; they were concerned about jurisdiction and that other committees would claim jurisdiction. And, of course, we have dealt with that problem before by exchanging letters.

Mr. GORDON. Mr. Speaker, I would point out that now we are on the House floor, and so there is no jurisdictional problem.

Mr. COSTELLO. Mr. Speaker, if the gentleman would continue to yield, there is no jurisdictional problem on the House floor, and the gentleman from Tennessee (Mr. GORDON) made that point very clearly to the Committee on Rules, that if they allowed this amendment in order today, there would be no jurisdictional problem.

I frankly believe if this amendment had been allowed in order and debated, I cannot see how any Member of this House would vote against an independent study addressing the major problem that we have in this country of outsourcing jobs.

Mr. GORDON. Mr. Speaker, just to be clear, we are getting ready to vote on this rule, and if we vote for this rule, any Member who votes for this rule is voting not to allow us to have the opportunity to have a study on outsourcing?

Mr. COSTELLO. Mr. Speaker, I would tell the gentleman that any Member who votes for this rule, in my opinion, is voting for the status quo, to take no action whatsoever to try to determine, to try to collect the data and determine what is going on with the offshoring of jobs and how to address the problem.

Mr. GORDON. But, Mr. Speaker, if we vote against this rule, we can turn right around and come back and have a vote not only on trying to find out better the problems of outsourcing, but allow any Member who has a good idea about trying to improve and increase our manufacturing base in this country, to allow them to bring it to the floor and try to improve this situation; is that correct?

Mr. COSTELLO. That is correct. If we defeat the rule, we can come back and debate the issue of outsourcing. I have to believe there are a number of our colleagues on the other side of the aisle who will vote against this rule in order to move forward with the study so we can gather the data and come up with a blueprint to address this problem.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address H.R. 3598, the Manufacturing Technology Competitiveness Act of 2004.

I find it very important that we address manufacturing technology competitiveness at a time when over 8.2 million Americans are without employment and over 10 percent of African Americans are currently jobless.

Today the American economy is facing challenges unlike any that it has ever faced before. The sector most drastically affected by this decline is the manufacturing industry. Historically, the manufacturing sector has been a pillar of the American economy. Without a strong manufacturing base, we will not have a strong economic recovery. Not only is manufacturing a key source of skilled, high-paying jobs, but it also is critical to our economic and national security that we have the ability to manufacture goods we need in this country.

In my home State of Texas, more than 156,000 jobs have been lost since January 2001. The manufacturing unemployment rate continued to rise last month.

Mr. Speaker, when this bill was marked up in the committee, the vast majority of the suggestions from this side of the aisle were dismissed. The markup was uncommonly partisan. No matter how good the amendment was, and there were many amendments spoken about as being good, but no support.

So as we debate this bill on the House floor today, I am hopeful we can reach constructive consensus on many of the amendments being offered today, and I do ask that as many Members as possible join me in voting against the rule.

Mr. GORDON. Mr. Speaker, I thank the gentlewoman from Texas for her remarks.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as a student of representative democracy, I continue to be amazed at the imagination demonstrated by our friends on the other side of the aisle. They talk about problems and talk about problems; we bring forth solutions.

Today we bring forth with this rule legislation that will authorize $160 million for the manufacturing sector of our economy for training of workers in small businesses in the manufacturing field to retain their competitive edge in technology. We bring forth solutions. We have to deal with things. When in the majority, we have to deal with things like whether amendments are germane and other technical matters, which sometimes may seem too technical, but they are important.

So it is nice to engage in theoretical debate, even about very important problems, like we have seen today. I maintain that it is even nicer to bring forth solutions for the problems of the people of this country. We have done that with this rule. We bring forth a very important piece of legislation. The $160 million for the manufacturing sector for training is critical at this time to retain jobs in this country. It is not theory, it is reality.

So I would ask all of our colleagues, Mr. Speaker, to support not only the very important underlying legislation, but the rule that will make possible the consideration by this House of this very important underlying legislation in order to help the manufacturing sector of our economy which is so important.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is the resolution.

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

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

The yeas and nays were ordered

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

PROVIDING FOR CONSIDERATION OF H.R. 4755, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 707 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 707

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. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. 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. FOSSELLA). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

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

Mr. Speaker, H. Res. 707 is a structured rule providing for the consideration of H.R. 4755, the Legislative Branch Appropriations Act of 2005. It is a fair and appropriate rule and should be approved by the House so we can move on to consideration of the underlying legislation.

H. Res. 707 provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. It also provides that the bill shall be considered as read.

H. Res. 707 waives points of order against provisions in the bill for failure to comply with clause 2 of rule 21, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill.

The rule makes in order only those amendments put in the Committee on Rules report accompanying this resolution. H. Res. 707 provides that the amendments printed in the report 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 a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report.

Finally, H. Res. 707 provides for one motion to recommit with or without instructions.

Mr. Speaker, I want to commend my friend and colleague from Georgia (Mr. KINGSTON), the chairman of the subcommittee. He has worked very closely with his ranking minority member, the gentleman from Virginia (Mr. MORAN of Virginia), in crafting this bill, and for that he deserves our support. This appropriations bill is one of the more challenging bills to manage, and he does so with respect to the institution in which we all serve.

I do want to specifically note that this is a fiscally responsible bill, and I commend the gentleman from Georgia's (Chairman KINGSTON) management oversight that will certainly ensure that organizational changes are managed better within the agencies of the legislative branch of government.

Mr. Speaker, this rule provides for a fair amendment process for consideration of the legislative branch appropriations bill. I urge my colleagues to support the rule.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes.

Mr. Speaker, I was shocked to learn that House committee was sending mail into the committee members' districts. During yesterday's Committee on Rules hearing on the appropriations bill for the legislative branch, we learned that the Committee on Resources is sending mail to committee members' districts touting the individual Member's accomplishments on that committee. Mailed under the chairman's frank, these laudatory mail pieces are sent out as Committee on Resources reports.

But listen to what they say: ''Members of Arizona's congressional delegation are making a difference for Arizonans every day through their work on the House Committee on Resources. Arizona is fortunate to have Congressmen RICK RENZI, J.D. HAYWORTH, JEFF FLAKE and RAÚL GRIJALVA on these important issues.''

It goes on to read, ''Committee members RENZI, HAYWORTH and FLAKE supported the Healthy Forest Restoration Act, which provides resource managers with the tools they need to combat the dangers of overstocked forests.''

Mr. Speaker, I ask unanimous consent to have four of these committee mailings submitted for the RECORD.

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

There was no objection.

The committee mailings are as follows:

RESOURCES COMMITTEE FIELD HEARING

What is the impact of the Endangered Species Act on southeast New Mexico? It's your chance to learn more.

What: Examining the Impacts of the Endangered Species Act on Southern New Mexico.

When: Monday, June 7th, 2004 at 9 a.m.

Where: Pecos River Village, Carousel Building, 701 Muscatel Avenue, Carlsbad, New Mexico.

Learn About the Impact of the Endangered Species Act on Southeast New Mexico.

Congressman Steve Pearce Represents the 2nd District of New Mexico. After a very successful hearing on the impact of the endangered silvery minnow last year in Belen, NM, Congressman Steve Pearce has asked the Resources Committee to learn about the impact of endangered species legislation on jobs and lifestyle in southeast New Mexico.

Congressman Pombo is Chairman of the House Resources Committee. Join Congressman Pearce and Congressman Pombo in Carlsbad on June 7th where they will hear first-hand from family farmers, ranchers, irrigation providers, oil and gas producers and local governments about how the Endangered Species Act has brought pain and suffering to their communities and families. The Resources Committee welcomes the opportunity to travel to New Mexico to personally visit with people who are directly affected by this outdated, onerous and unreasonable policy.

RESOURCES COMMITTEE REPORT ON HEALTHY FORESTS RESTORATION ACT

America's National Forests have become unnaturally dense, diseased, and insect infested, leaving them incredibly susceptible to catastrophic wildfire. To date, wildfires have burned over three million acres in the United States in 2003. These fires not only destroy forests, they kill wildlife and pollute air and water alike.

California has had more than its fair share of wildfire disasters. The House Resources Committee and its members are committed to protecting our environment from the devastating effects of catastrophic forest fires.

This report is meant to update you on what the Resources Committee and your California Representatives are working on to help keep our forests healthy and keep fires from destroying forests, property, and jobs.

RICHARD POMBO,
House Resources Committee Chairman.

''The Resources Committee and its members are charged with the responsibility of coordinating federal efforts to encourage, enhance and improve programs for the protection of the environment and the conservation of natural resources within our Public Forest areas. I am honored to have such dedicated and knowledgeable committee members to work with as we work to balance resource preservation and usage. I am particularly honored to work with California Congressmen in efforts to prevent further forest fires from devastating California's incredible resources and beauty. Together we will continue to work on the issues affecting California and the West.''—Richard Pombo

RESOURCES COMMITTEE WORK VALUABLE TO CALIFORNIA

Members of California's Congressional Delegation are making a difference for Californians every day through their work on the House Resources Committee. The Resources Committee deals with issues such as wildfire prevention, water rights, environmental protection, and land use. California is fortunate to have so many able men and women on this committee to work on these important issues.

CALIFORNIA CONGRESSMEN HELP PASS ''HEALTHY FORESTS RESTORATION ACT''

Committee Members Baca, Miller, Cardoza, Radanovich, Dooley, Nunes, Gallegly and Calvert supported this bill, which provides resource managers with the tools they need to combat the dangers of overstocked forests.

The ''Healthy Forests Restoration Act'' establishes streamlined procedures to increase use of scientifically-proven management techniques of thinning and prescribed burning to avoid catastrophes to our forests, homes and water supply.

Additionally, the Act calls for additional open public meetings on all projects that fall under the Healthy Forests legislation, providing an opportunity for public input over-and-beyond current public hearing requirements.

And this landmark legislation makes for better forest management and helps protect communities from the dangers of uncontrolled wildfires.

It protects the rights of private landowners.

RESOURCES COMMITTEE REPORT ON ENDANGERED SPECIES ACT REFORM

As you may know, the application of the Endangered Species Act (ESA) has caused economic hardship and to farmers, ranchers, small businesses, and individuals—and it has done little to actually protect endangered species of animals.

The law has become more powerful than Congress ever intended it to be. It has been

applied across millions of acres and hundreds of miles of waterways, at a cost of billions of dollars. We can improve this law—limiting unwarranted impacts—if we define the scientific standard federal agencies must meet when making ESA decisions.

This report is meant to update you on what the Resources Committee and your Arizona Representatives are working on to ensure that improper application of the Endangered Species Act will never threaten the economic security of Arizona and its people.

RICHARD POMBO,
House Resources Committee Chairman.

''Congress' efforts to improve the ESA stems from an April 2001 decision by the Federal government to shut off irrigation water to nearly 1,200 farmers and ranchers in the Klamath Basin in California in order to protect several species of endangered fish. This decision was later examined by a panel of the National Academy of Sciences (NAS), which found that the order to shut off the water had 'no sound scientific basis.' As a result of this decision—with 'no sound scientific basis'—the livelihoods of hundreds of farmers and ranchers in the area were destroyed, and the local economy and community was severely harmed. Your Arizona Representatives are working in Congress to reform the ESA to prevent this type of devastation from ever occurring in Arizona.''—Richard Pombo

RESOURCES COMMITTEE WORK VALUABLE TO ARIZONA

Members of Arizona's Congressional Delegation are making a difference for Arizonans every day through their work on the House Resources Committee. The Resources Committee deals with issues such as wildfire prevention, water rights, environmental protection, and land use. Arizona is fortunate to have Congressmen Rick Renzi, J.D. Hayworth, Jeff Flake, and Raul Grijalva working on these important issues.

RESOURCES COMMITTEE WORKING TO ENACT ESA REFORMS

Congressmen Renzi, Hayworth and Flake are co-sponsors of H.R. 1662, ''The Sound Science for Endangered Species Act Planning Act,'' to improve the way the law uses science and to further involve the public.

- Requires peer-reviewed science as basis for ESA decisions.
- Creates an independent process to amend the ESA to make certain that all aspects of science in the implementation of that act are sound and peer-reviewed.
- Establishes a mandatory independent scientific review requirement for all ESA listing and de-listing proposals to ensure the use of sound science and provide a mechanism for resolving scientific disputes during the rulemaking process.
- Requires the Secretary of the Interior to solicit and obtain additional data from landowners and others that would assist in the development of recovery plans, including the recovery goals.
- Requires that an action, including an action for injunctive relief, to enforce the prohibition against the incidental taking of a species must be based on pertinent evidence using scientifically valid principles.

RESOURCES COMMITTEE REPORT ON HEALTHY FORESTS RESTORATION ACT

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ARIZONA CONGRESSMEN HELP PASS ''HEALTHY FORESTS RESTORATION ACT''

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The ''Healthy Forests Restoration Act'' would establish streamlined procedures to increase use of scientifically-proven management techniques of thinning and prescribed burning to avoid catastrophes to our forests, homes and water supply.

Additionally, the Act calls for additional open public meetings on all projects that fall under the Healthy Forests legislation, providing an opportunity for public input over-and-beyond current public hearing requirements.

And this landmark legislation makes for better forests management and helps protect communities from the dangers of uncontrolled wildfires.

It protects the rights of private landowners.

RESOURCES COMMITTEE WORK FOCUSES ON SOUTHWEST'S FORESTS

Congressman Renzi introduced the Southwest Forest Health and Wildfire Prevention Act of 2003 to promote the use of adaptive ecosystem management to reduce the risk of wildfires and restore the health of fire-adapted forest and woodland ecosystems. Resources Committee member J.D. Hayworth is a co-sponsor of this bill, along with Arizona Representative Jim Kolbe. The Resources Committee passed the act this summer helping solidify the future of Northern Arizona University's Ecological Restoration Institute.

This is an important first step toward the future application of practical science-based forest restoration treatments that will reduce the risk of severe wildlife and improve the health of dry forest and woodland ecosystems across the country.

Mr. Speaker, this is an outrage that I think the Members of the House simply do not know anything about. That committee received a large increase in funding last year in order to send out this propaganda into Members' districts. I have heard of income protection, but this goes way too far. There is no excuse in the world for it, and I think we ought to take measures to stop it.

During the 107th and 108th Congress, most communities requested franking allocations somewhere between $10,000 and $30,000, and most spent far less than those allocations.

For example, the Committee on Government Reform franking allocation was $35,000. They spent less than 10,000. Not counting the Committee on Resources, the largest request in Congress was the Committee on the Judiciary, which asked for $80,000 for franking. However, the Committee on Resources requested a franking allocation of $500,000, half a million. It is more than a 10,000 percent increase over the amount of the money that the Committee on Resources actually spent on franking in the 107th Congress. What is even more shocking is that the House rules do not prohibit a committee from sending out this propaganda with taxpayer dollars.

The gentleman from California (Mr. SHERMAN) offered an amendment to close this loophole to stop this practice. The amendment would limit mailing expenses for any committee to $25,000, which is more than generous. On a party-line vote, the Committee on Rules refused to make the sensible solution in order, and it is troubling that this problem has slipped under the radar for a year and a half and that the Committee on Rules refused to allow the full House to discuss the issue and vote up or down on this straightforward amendment. Debate on this serious problem has been quashed with a soft promise of future action.

Again and again, the Republicans silence the Democrats and the voices of millions of Americans. There is little time left on the legislative calendar. This problem deserves immediate attention. It is shocking in that this body will not even have the opportunity to debate the problem and to consider the solution of the gentleman from California (Mr. SHERMAN).

This cries out for attention from this Congress, and I demand it, Mr. Speaker.

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

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

Mr. Speaker, I want to note that we did have this discussion in the Committee on Rules about the printing yesterday. It just came up yesterday for the Republicans being criticized forever for rushing things to the floor. This seems a bit quick for the Democrats to do so. None of us on the Committee on Rules, Republican side, have seen that yet, but the committee of jurisdiction is actually the Committee on House Administration, and I think

it would be appropriate to let the authorizing committee have a shot at this to take a look at the problem before we move to address it on the House floor in an appropriations bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, we need to defeat this rule so that I can offer an amendment to simply say that no committee in any year can spend more than $25,000 on just postage. That would be $50,000 a Congress. Why would such a limit be needed? Why is the $25,000 limit needed? After all, in the year 2002, the average committee spent only $2,104 on postage. The largest amount spent by any committee during the 107th Congress on an annualized basis was $6,807.

I know the gentlewoman from New York cited the amounts requested by committees. They requested a bit more than these figures. But when we look at what they actually spent, no committee needed to spend in the average year more than $6,807 in the 107th Congress.

But a new phenomenon has arisen. The Committee on Resources has decided it needs more resources. In the 107th Congress it spent $2,483 per year on postage. For the 108th Congress they requested a quarter million dollars per year for postage; $500,000, half a million dollars, for the whole 108th Congress.

Think of this from a fiscal responsibility standpoint. That is a 4,445 percent increase over what they requested before. Maybe that is not too bad. After all, 4,445 percent increase in the cost of a government agency, no fiscally responsible person would object to that. But do not compare it to what they requested last Congress. Compare it to what they actually spent. Then it is a 9,968 percent increase. Maybe somebody with some fiscal conservatism would be concerned about that, a committee which in the last Congress spent $2,483 on postage now wants to spend $250,000 on postage.

We do not know what they are spending all this money for. It is hard to get the information. But we do know that last quarter, just in 3 months, the committee spent $49,587 on postage, and when they spend money on postage, they inevitably have to spend money on printing, and, yes, they spent $40,732 on printing.

What did they use the money for? Not to carry on committee business in the sense of telling the press what the committee is doing, writing to experts to see if they can gather information. This is not individually sent-out letters, no. These were mass mailings into individual Members' districts, $250,000 per year. What kind of mailings went out? Here is an example that was referred to by the gentlewoman from New York. We will see that this mailing went out to Arizona. Our information is that it went it to the gentleman from Arizona's (Mr. RENZI) district, who happens to be one of the most targeted Members in the entire Congress by one political party. It praises three Members of the Arizona delegation for cosponsoring a bill, and if we read it very carefully, it attacks or implicitly criticizes a fourth Member of the Arizona delegation for not cosponsoring this bill. I might add it is a terrible bill, but the mailing praises those who cosponsor it. Our information is that it went just to the gentleman from Arizona's (Mr. RENZI) district; so the fact that it implicitly criticizes the gentleman from Arizona (Mr. GRIJALVA) is not of great significance unless he has statewide ambitions I am unaware of.

In any case, what does this mailing do? It lauds a Member. Some of these mailings are going out in violation or possible violation of the blackout period. So we are used to not sending out mailings 90 days before an election. Apparently the committee chairmen can. This mailing seems rather benign in that it lauds a Member, and it does so only on one issue.

Mark my words: If we do not draw the line now, the next piece will be a hit piece, and it will not be limited to one issue. It will not even be limited to a committee's jurisdiction. It will be an attack piece sent out a day or a week before an election.

How is this all different from the Member communications that we are aware of? Because many of us send mail to our constituents. First, a Member gets a limited Members' representational allowance. We are responsible to our districts, to the recipients of that mail. If the mail is informative, then I can tell my constituents we sent them informative mail that came out of our budget, which we could otherwise have used to hire personnel. But a committee chairman is not responsible to the people who receive the mailing, so they could look at it and say this is wildly uninformative. It is a terrible waste of money. It says it was paid for at taxpayer expense. I do not like it, but it does not matter because my Member did not send it. It comes out of the budget of some Washington committee.

Second, the MRA funds are at least distributed relatively equally by party. Each Member gets their own account. This $500,000 went solely to one political party. And it is not just $500,000. If we do not draw the line now, it will be 5 million, it will be 25 million. It will not be one committee; it will be every committee.

Members also know what information their constituents need to receive. Committee chairmen, with all due respect to the gentleman from California (Mr. POMBO), I do not think he is an expert at what information people in the gentleman from Arizona's (Mr. RENZI) district need to hear. Then we are going to be told that these are to announce field hearings. I might add this piece of mail has nothing to do with any field hearing. But we could have a rule that we have these slush funds, but only if we are announcing a field hearing.

□ 1130

A field hearing should be a field hearing, not an excuse for propaganda, not a district-wide town hall on behalf of an endangered Member or a targeted Member.

Finally, I know here in Washington that our targeted watchdog groups publish lists. They criticize those who spend money on postage and printing. They wonder whether that is a good use of government resources.

Well, wait a minute. None of these groups caught this. They will attack a Member for spending $100,000 on postage. How about $250,000 on postage?

We need to do something about it, and we need to do something about it today. If you vote for this rule, you are voting for giant political slush funds, not just of half a million dollars, but for as large as they are done by whichever party controls this House. You cannot say you are going to deal with it tomorrow if you vote against dealing with it today. Vote against the rule.

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

Mr. Speaker, I would like to point out that the gentleman came very close to impugning the motives of the chairman and the actions of the committee. I would just suggest that he tread a bit more lightly on that.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, all I can say in response to the last comment is if the committees adhere more closely to the spirit of the rules of the House, maybe we will not tread so closely in questioning their motives.

Let me say, Mr. Speaker, I am not going to vote for this bill, and I am not going to vote for it for two reasons.

Number one, we have the continued saga of that ridiculous hole out in front of the Capitol, the Capitol Visitors Center. You remember back in the good old days when we had a budget surplus, and then we were told by the Republican majority that we could pass $6 trillion in tax cuts and still have money left over? Now we have dug ourselves into a huge deficit hole again, the biggest deficit in the history of the country. That hole in front of the Capitol, created for the construction of the so-called visitors center, really, in my view, is a symbol of what we have done to the Nation as a whole. We have dug a huge hole for the Nation.

In this case, in the case of the visitors center, you have an addition to the Capitol which started out to cost

about a quarter of a billion dollars; it is now up to half a billion dollars. And the completion date, I would bet you, before it is over, will slip to sometime in 2007. I just continue to think it is a ridiculous, overblown use of taxpayers money.

But there is something else in this bill that really bugs me. I happen to believe that the number one national disgrace in this country is the fact that some 44 million people are struggling every day without health care coverage. There is a provision in this bill which enables a study to go forward to see whether or not we will add supplemental health and dental benefits for Members of Congress under our health care plan.

Now, I happen to believe that congressional employees should have dental coverage, and I think that Members of Congress should have dental coverage. But I also think that every citizen of this country ought to have access to health care and ought to have decent dental coverage.

We just marked up the Labor-Health-Education appropriations bill; and in contrast to the consideration that we are going to give Members of Congress about adding new health care benefits, what did the committee do this morning with respect to health care benefits for the rest of Americans?

I will tell you: the chairman's mark on the Labor-Health-Education bill today entirely terminates the Community Access Program, which is the glue that makes health delivery to the poor work in 70 communities in this country.

The chairman's mark cut several other programs. It cuts Rural Health Outreach grants, which support primary health care, dental care and mental health and telemedicine projects. It cuts those projects by 24 percent.

The Maternal and Child Health Care block grant is only 2.9 percent above the fiscal 2001 level, which means that we have a 10 percent loss of purchasing power for that program for average Americans.

Then, if you go on, you see that childhood immunization, the cost to immunize a child has gone up by 24 percent since 2001. Appropriations have increased by only 15 percent. So we are having a growing gap in terms of our ability to immunize children in this country.

So it just seems to me, Mr. Speaker, that there is a substantial gap between what we are willing to consider doing for the average American when it comes to health care and what we are willing to consider doing for Members of Congress.

I do not want to vote to deny health care coverage of any kind to anybody, but I want to say this to the majority in this House: if you vote for this legislative appropriations bill today, by God, do not dare to bring out an expansion of health care benefits for Members of Congress until you have also brought out legislation to this floor that covers health care for every American. And make sure that those Americans have the same kind of coverage, including dental care, that you would like to see for the average Member of Congress. Unless you do that, you will be giving hypocrisy a bad name.

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

Mr. Speaker, I feel certain that the gentleman was not referring specifically to me, because I do not have Federal health insurance.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentlewoman from New York for yielding me time.

Mr. Speaker, I do want to say that I plan to vote for this bill, but there is no way I can support this rule.

There were a total of eight amendments submitted. There were seven by Democrats, one by a Republican. The one by the Republican was allowed. Only one out of the seven submitted by Democrats was allowed.

A lot of them had no political overtones whatsoever. What is wrong, for example, with studying ways to improve and expand day care services on the Hill for our employees? That is hardly political. The only thing I can imagine is wrong is that a Member of the majority did not think of it; and I am sure if they had, it would have been made in order. But that should have been allowed, to study it.

Now, I acknowledge that at least four of the amendments have some political overtones, and I can appreciate the embarrassment that Members of the majority must experience when their legislative actions stretch the bounds of proper rules and procedures of the House.

How long, I think we know how long, what, 3 hours we kept that vote open on Medicare prescription drugs. We have subsequently read about all of the promises and the threats that were thrown back and forth to change the result, successfully, I might add.

Then, on a separate issue, how often have we seen conference agreements completed before the conference was even convened? The gentlewoman from New York (Mrs. MALONEY) had every right to bring our attention to that abuse of power.

I doubt the majority would have approved any of those amendments, but they should have been debated.

Then there are the two amendments by the gentleman from California (Mr. SHERMAN). First, should C–SPAN tapes be rebroadcast for political purposes? I am not sure, but I think it is something that ought to be discussed on the floor of the House, and I regret the fact that we did not get an opportunity to discuss it.

He had a second amendment to curb another potential abuse of power. I think it could be a pretty serious one. It is inappropriate to use the franking privilege out of committee resources to mail mass propaganda pieces on behalf of any Member, on the majority or the minority side.

Now, if you look at the numbers that we have, the Committee on Resources apparently has asked for about half a million dollars to be mailing pieces into other Members' districts. We saw the explanation by the gentleman from California (Mr. SHERMAN). No matter how much we want to cooperate with the other side, this is a major potential abuse of power, if somebody does not stand up and say wait a minute, there is something wrong with this.

This has to be discussed. The public needs to be aware of it before we embark on this. Of course, if nothing is said, other committees are likely to do the same thing, and no ranking member has that ability.

So this was an amendment that really needed to be discussed, and perhaps in that discussion we could get an explanation that would show us that this is not as abusive as it appears at first glance. Perhaps there is a logical explanation, but we sure ought to get that kind of explanation. The fact that we were denied the opportunity to discuss this is reason enough to vote against the rule.

What we are looking for is fairness. We are looking for the resources in this bill to continue this great institution at a reasonable level, a fiscally responsible level, one that is acceptable to both sides. But when the process is clearly not acceptable to both sides, I think we have an obligation to stand up and say no.

I would like to see some support from the other side of the aisle for raising objection to the way in which this rule was put together.

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

Mr. Speaker, I am in no way trying to defend or impugn any question of what the Committee on Resources did, but I think the appropriate place to have a look at that is through the Committee on House Administration or through the bipartisan Committee on Franking. I expect that will be done. Not on the floor of the House.

I know they do not want to miss an opportunity to make political hay over this, but the fact of the matter is, this is an inappropriate place to have that discussion.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank my friend from New York for yielding me this time.

Mr. Speaker, let me take this time just to express my disappointment with this rule and my opposition to it. I listen frequently where Members of Congress like to say that we do not want to treat ourselves differently than we treat the general public. Yet

on this appropriations bill that affects our budget, we use different standards than we do on other appropriations bills. That is wrong.

The ranking member, the gentleman from Virginia (Mr. MORAN), pointed out there are only eight amendments that were offered to the Committee on Rules. It would have been very easy to allow those amendments to be considered and then use the democratic process to either vote up or down those amendments. But, no, the majority refuses to allow us to have a debate on this floor on issues that affect the manner in which we operate the legislative branch.

I am particularly disappointed that the amendment offered by the gentleman from California (Mr. SHERMAN) was not made in order. We have an obligation to make sure that the resources of this body are used appropriately. That is the Committee on Appropriations' responsibility; that is the responsibility of our debate on the legislative branch bill. Yet we are not going to have an opportunity to see whether we could use a better standard on the franking privileges of our committees.

It is my understanding that the majority controlled that. The minority has no opportunity. The majority has used that at least in one committee in a partisan manner. That is wrong. We should have a chance to be able to debate that issue.

We work together to try to make sure that the resources of the legislative are used appropriately. In this case, it looks like it was not. Our opportunity to speak is when the legislative appropriation bill is on the floor. We are going to be denied that opportunity, because the majority refused to make in order an amendment so we could have that debate. That is wrong.

Therefore, I would ask my colleagues to reject this amendment, reject this rule, so that we have an opportunity to be able to have a full discussion on the legislative branch appropriation, as we would on any other appropriations bill that comes before this body.

□ 1145

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

Let me just close by saying, Mr. Speaker, that the amendment offered by our colleague, the gentleman from California (Mr. SHERMAN), was perfectly germane. The only reason in the world it was turned down was for political reasons. It was a major embarrassment that they had been found out, and I have to assure the people who are listening today that on my part, and I am sure on the part of others, that we will not rest until we rectify this mistake, although it is not a mistake. It is a blatant attempt, frankly, to misuse taxpayers' money as incumbent protection.

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

Mr. LINDER. Mr. Speaker, I urge my colleagues to support the rule, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This vote will be followed by two 5-minute votes on House Resolution 706 and H.R. 3980.

The vote was taken by electronic device, and there were—yeas 223, nays 194, not voting 16, as follows:

[Roll No. 336]

YEAS—223

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

NAYS—194

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
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
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
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
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
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—16

Berry
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Honda
LaHood
Meehan
Meek (FL)
Oxley
Platts
Quinn
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1211

Mr. DAVIS of Tennessee, Mr. BACA and Mrs. DAVIS of California changed their vote from ''yea'' to ''nay.''

Mrs. NORTHUP changed her vote from ''nay'' to ''yea.''

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.

PROVIDING FOR CONSIDERATION OF H.R. 3598, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, H. Res. 706, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 217, nays 196, not voting 20, as follows:

[Roll No. 337]

YEAS—217

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

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
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
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
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
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
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—20

Bachus
Berry
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Honda
Knollenberg
LaHood
Meek (FL)
Mica
Oxley
Platts
Quinn
Sherman
Tauzin
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1219

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.

NATIONAL WINDSTORM IMPACT REDUCTION ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3980, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 3980, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 26, not voting 20, as follows:

[Roll No. 338]

YEAS—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren

Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)

NAYS—26

Blackburn
Burton (IN)
Cannon
Coble
Culberson
Duncan
Fattah
Flake
Goode
Hefley
Hostettler
Johnson, Sam
Jones (NC)
Kingston
Miller (FL)
Myrick
Otter
Paul
Pence
Royce
Sensenbrenner
Sessions
Shadegg
Simpson
Stearns
Toomey

NOT VOTING—20

Berry
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Honda
LaHood
Meek (FL)
Oxley
Platts
Quinn
Rush
Tauzin
Waters
Wicker
Wynn
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1228

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WICKER. Mr. Speaker, on rollcall No. 338 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SAM JOHNSON of Texas. Mr. Speaker, on rollcall vote No. 338 I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent that this be noted in the CONGRESSIONAL RECORD.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, earlier today I attended the funeral of the Honorable John Stozich, former State representative and former mayor of my hometown of Findlay, Ohio.

As a result, I was absent from the House during rollcall votes on H. Res. 707, H. Res. 706, and H.R. 3980. Had I been present, I would have voted in favor of each.

REREFERRAL OF H.R. 4668 TO COMMITTEE ON RESOURCES

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill (H.R. 4668) to designate the third floor of the Ellis Island Immigration Museum as the ''Bob Hope Memorial Library'' be rereferred to the Committee on Resources.

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

There was no objection.

GENERAL LEAVE

Mr. WOLF. 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 further consideration of H.R. 4574, and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4754.

□ 1228

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 further consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 7, 2004, the amendment by the gentleman from Virginia (Mr. WOLF) had been disposed of, and the bill was open for amendment from page 57, line 18, through page 108, line 22.

AMENDMENT NO. 2 OFFERED BY MR. SANDERS

Mr. SANDERS. 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. SANDERS: At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, book sales records, or book customer lists.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, I have a bipartisan amendment at the desk which is cosponsored by the gentleman from Idaho (Mr. OTTER), the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. PAUL) and the gentleman from New York (Mr. NADLER).

This amendment, which addresses section 215 of the USA Patriot Act, is supported by citizens across the ideological spectrum, from conservative to progressive. This amendment is a narrower version of H.R. 1157, the Freedom to Read Protection Act, a bill I introduced last year and which now has 145 bipartisan cosponsors.

To date, 181 national and regional library, publishing, civil liberty and privacy groups have endorsed this legislation, including the American Library Association, the American Book Sellers Association and the NIA. In fact, book sellers are way on their way to securing 1 million signatures on a petition drive on this issue.

Mr. Chairman, as the Members of this House are well aware, in October 2001, Congress hastily passed the USA Patriot Act. This Patriot Act significantly broadened the government's investigational powers. Unfortunately, given the speed with which the Congress passed the Patriot Act, it should come as little surprise that this new law has created consequences that many Members did not intend.

Every Member of this body was appalled by the terrorist attack of 9/11, and I know that we all are going to work together to do everything we can

to protect the American people from future attacks, but I am sure that I speak for the vast majority of the Members of this body when I say that while we fight terrorism vigorously, we must do it in a way that does not undermine the basic constitutional rights of the American people, what makes us a free country.

□ 1230

That is what this amendment is all about.

Mr. Chairman, this concern about protecting constitutional rights while we fight terrorism is not an ideological issue. Again, on this point I agree with people who I often disagree with. Let me quote Republican majority leader, former leader Dick Armey, when he said, ''Are we going to save ourselves from international terrorism in order to deny the fundamental liberties we protect to ourselves?''

I agree with Dick Armey. I agree with Newt Gingrich, who also voiced concerns about the USA PATRIOT Act. But also what we have are four State legislatures, including my own State of Vermont, 332 municipalities all across the country, conservative, progressive, going on record in passing resolutions expressing their concerns about this or that aspect of the PATRIOT Act.

Now, one of the areas of the PATRIOT Act that has received the most attention is section 215 as it relates to the government's ability to gain access to the files of America's libraries and bookstores. Mr. Chairman, under 215, government agents can go into a secret FISA court and get an order requiring that a library or bookstore turn over records that would tell them what innocent Americans are reading. They do this by informing the judge that they are doing an investigation on international terrorism, and having said that, a judge in the FISA court is obliged to give them a warrant to go into a library or into a bookstore so that they can determine the books that innocent Americans are reading. They do not need to have probable cause or specific information on an individual who is alleged to be a terrorist.

Mr. Chairman, just so the Members of this House understand how broad this authority is, let me quote from an October 29, 2003, declassified memo from the FBI's general counsel to all field offices. The memo expressly states that a request under section 215 ''is not limited to the records of the target of a full investigation. The request must simply be sought for a full investigation. Thus, if the records relating to one person are relevant to the full investigation of another person, those records can be obtained, despite the fact that there is no open investigation of the person to whom the subject of the records pertain.''

To make matters even worse, Mr. Chairman, all the proceedings are secret, so the innocent persons whose records are sought will not even know that his or her records have been seized.

Mr. Chairman, there are opponents of this amendment who are suggesting that if we pass this, the FBI and law enforcement officials will be unable to go into libraries and bookstores to track terrorists and that exempting libraries would ''create a terrorist safety zone.'' This is absolutely not the case, not the case. This amendment does not except libraries and book sellers from searches.

The FBI will still have many legal tools at its disposal as it always has, including search warrants and criminal grand jury subpoenas to attain library and bookstore records.

Mr. Chairman, we have an opportunity today to show the American people, yes, we are going to fight terrorism vigorously; but we are going to do it while we protect the constitutional rights of our people. Conservatives, progressive, moderates agree, let us pass this amendment.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment and yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment. The gentleman's amendment is an attempt to roll back part of the PATRIOT Act, which should not be done on an appropriations bill with 20 minutes on each side. This is a matter that the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), ought to be holding hearings on and have an opportunity to take a look at it. The business records provision the gentleman wishes to amend sunsets at the end of 2005.

I think it is a great opportunity that the Congress has oversight on this issue, and I know that the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) will be doing that aggressively, whereby the gentleman from Vermont (Mr. SANDERS) and others from both sides can come and testify; but the Committee on the Judiciary must be given an opportunity to review this policy, determine whether the gentleman's amendment is a good idea, whether it would create a potential safe haven for terrorists at libraries and address any of these issues particularly; and that is why the Congress legitimately wanted it to sunset.

Finally, and I would tell the gentlemen on both sides, OMB's Statement of Administration Policy states if any amendment that would weaken the USA PATRIOT Act were adopted and presented to the President for his signature, the bill would be vetoed.

I urge a ''no'' vote, and let the gentleman from Michigan (Mr. CONYERS) and let the gentleman from Wisconsin (Mr. SENSENBRENNER) really take a lot of time to bring the best constitutional authority together and look at this. That is the right way to go.

Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER), who has done a great job on this issue.

Mr. OTTER. Mr. Chairman, I thank the gentleman from Vermont for his leadership and for once again bringing this amendment before us.

Last year I believe if we had this amendment before us when we had the Otter amendment and several others relative to the PATRIOT Act, we would have had and should have had at least 309 votes for this amendment as we did the Otter amendment.

I would just like to speak to a couple of things. I know my office and several other offices have received calls regarding a veto threat on this amendment. This is the ninth such amendment that we have received a veto threat on.

Well, I would tell you that if there is that much consideration, if there is that much concern on this bill as a whole, then maybe we ought to take the bill back to committee and reconsider the bill itself rather than just the amendment.

There is no greater threat to this Nation in terms of terrorism than the drugs that are on our streets today. There is no greater threat and no greater form of terrorism against our children than the pornographers in this country, and there has been no greater threat in the past on a civil and law-abiding society than organized crime.

Yet, rather than add ''domestic terrorism'' to this list, we have taken domestic terrorism and elevated it above those three elements with special laws. We continue to say we are doing the same thing with domestic terrorism as we have done with pornography, as we have done with drugs and as we have done with organized crime.

Not so. Not so, Mr. Chairman, because what we have done with domestic terrorism is we have removed judicial oversight and that most important role that the judiciary plays—shining that bright constitutional light into the dark shadows of probable cause.

And so I would like to join the gentleman from Vermont. I would like to join others who are prepared to say we think that these other acts of terrorism against our children and against our civil society as a whole are no less important to fight against than domestic terrorism, and, in fact, have probably taken, no, have taken, Mr. Chairman, many more lives than were lost on 9/11.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume before I recognize the gentleman from North Carolina (Mr. COBLE), to respond.

We just received a letter from the Justice Department, and I wanted to read it for the Members.

It said, ''In anticipation of the U.S. House of Representatives' consideration of an amendment that would prevent the Justice Department from obtaining records from public libraries and book stores under section 215 of the USA PATRIOT Act, your staff has recently inquired about whether terrorists have ever utilized public library facilities to communicate with others about committing acts of terrorism. The short answer is 'yes.' ''

The letter continued: ''You should know that we have confirmed that, as recently as this past winter and spring, a member of a terrorist group closely affiliated with al Qaeda used Internet services provided by a public library. This terrorist used the library's computer to communicate with his confederates. Beyond this we are unable to comment.''

This letter is to the gentleman from Wisconsin (Mr. SENSENBRENNER), Mr. Chairman; and I am providing it herewith for the RECORD.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 8, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: In anticipation of the U.S. House of Representatives' consideration of an amendment that would prevent the Justice Department from obtaining records from public libraries and bookstores under section 215 of the USA PATRIOT Act, your staff has recently inquired about whether terrorists have ever utilized public library facilities to communicate with others about committing acts of terrorism. The short answer is ''Yes.''

You should know we have confirmed that, as recently as this past winter and spring, a member of a terrorist group closely affiliated with al Qaeda used internet services provided by a public library. This terrorist used the library's computer to communicate with his confederates. Beyond this, we are unable to comment.

We hope this information is useful to you and your colleagues as you consider amendments relating to the USA Patriot Act.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, reasonable men and women can disagree, and hopefully disagree agreeably, and this is a situation where this is going to happen. I think convincing arguments can be made on each side of the issue. And I do not want to sound like I am knee-jerking responding to this, but should terrorists be able to use taxpayer-funded public library facilities to plot a major attack without fear they will be investigated by the FBI?

I think that could come to play if this amendment is, in fact, enacted. As I understand my friend from Vermont, the amendment would exempt public libraries and book stores from section 215 of the USA PATRIOT Act, which permits the FBI, after obtaining a Federal court order, and I repeat, after obtaining a Federal court order, to obtain documents and other records relevant to international terrorism and espionage cases.

Now, there has been no abuse in this matter, Mr. Chairman. On September 18 of last year, the number of times to date that the Justice Department had utilized section 215 of the USA PATRIOT Act relating to the production of business records was declassified, and at that time it was made known that the number of times section 215 had been used as of that date was zero. So, obviously, there is no abuse here.

Furthermore, section 215, Mr. Chairman, provides for a thorough congressional oversight. Every 6 months the Attorney General is required to inform the Congress on the number of times agents have sought a court order under section 215, as well as the number of times its requests were granted, modified, or denied. No abuse at all on this. And I just believe we should vote down the amendment.

Mr. SANDERS. Mr. Chairman, I yield myself 15 seconds before I yield to the gentleman from New York (Mr. NADLER) to tell my friends that it is not accurate that under this amendment that the FBI cannot go into libraries and book stores. They sure can. They can get subpoenas. They can go to the grand jury. They can do it in the conventional way. We have no objection to that. But they cannot have a carte blanche, no probable cause to check on the reading records of the American people.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, we have to be very careful that because of this war on the Islamic terrorists we do not destroy our own civil liberties. The PATRIOT Act was passed in great haste, and parts of it do exactly that.

The gentleman from Virginia says this amendment should not be considered without hearings by the Committee on the Judiciary and given proper consideration, but the fact is there were no hearings before we passed the PATRIOT Act. The PATRIOT Act was warm to the touch. No one read it before it passed this House. No one knew what was in it. The bill that came out of committee was not the bill considered by the House. So that is where the original flaw lies.

We should now pass this amendment not to make libraries an exempt zone. As the sponsor, the gentleman from Vermont (Mr. SANDERS), said, police will still be able to obtain records, so long as they can justify their actions based on probable cause. What is the difference if this amendment passes? The difference is between good police work and a fishing expedition.

Do we want the government rummaging through the records of average Americans without reason, or do we want to insist at the very least that searches be based on probable cause? That is the issue. That is the issue: probable cause.

The Supreme Court of the United States, the Rehnquist court, gave a rap in the teeth to the administration last week for claiming powers that no executive in an English-speaking society has claimed since before Magna Carta. We do not want tyranny. We do not want tyranny.

This amendment is designed to say you can read without being afraid the government will someday reveal what you are reading. We do not want the chilling effect on free speech. If there is a real reason, if the government suspects someone is looking up how to make atom bombs, go to a court and get a search warrant, show probable cause. That is the way it worked for 200 years. It worked against the Nazis in World War II, it worked in the Civil War, and it will work today. We need not surrender fundamental liberty, and we should not.

That is what this amendment is about, and that is why we should urge its adoption.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me this time.

I have 70 constituents who lost their rights on September 11; and to hear this debate, I am not sure we seem to care about that. Something told me on September 11 that we had received a wake-up call from hell, and that wake-up call from hell indicated we have to detect and prevent, because the old Cold War philosophy of contain and react and mutually assured destruction went out the window.

□ 1245

On an appropriations bill, we are trying to amend the PATRIOT Act because some librarians find it offensive that we may want to go in and find out who a terrorist talks with when they use a computer, and we are going to have another amendment that basically says we need to tell them first that we think they are a terrorist.

If we are going to detect and prevent, we have to break into these cells, and the only alternative left if we see this amendment pass is that we would then have to go before a grand jury and state our case, without probable cause, I might add, but state our case when we are talking about significant national security issues. We may be talking about a chemical weapon, a nuclear weapon. We may be talking about a biological agent. We may be talking about breaking into a cell to prevent that, and yet we are going to be told now we need to go before a grand jury to do the same things we can do in ordinary criminal cases.

I am amazed beyond comprehension at the lack of recognition that it is not a question of if; it is a question of when, where, and what magnitude we are going to have to face these kinds of attacks.

And I know what is going to happen when these attacks happen. There will be Members coming back to the floor saying how come the CIA did not know? How come our intelligence community did not know? Why did they fail us again? And we are going to tie their hands behind their backs anyway and say we have to let a terrorist know first before we break into a terrorist cell.

The gentleman from Vermont (Mr. SANDERS) can throw his hands any way he wants, but the bottom line is we are at war with terrorists and we want to break into those cells and detect what is going on; and we sure as hell do not want to tell them we're coming.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Let me first say I am troubled by the comments of the gentleman from Connecticut (Mr. SHAYS). To tell a New Yorker, to have a New Yorker hear that we somehow do not care for the victims of September 11 is really the cheapest kind of blow a Member can put on this House floor. I care and everybody else cares.

But in the process of caring for the victims of September 11, no one said we were supposed to throw away the Constitution of this country. If in fact we were attacked, as some people would propose, because we are different, if in fact we were attacked because we are a great democracy, if in fact as some people propose we were attacked because people hate our freedom and hate our way of life, then the one thing we have to make sure in defending ourselves and getting the bad guys is we do not harm the good guys and throw away the Constitution. That would be the biggest victory for the terrorists.

I know that the gentleman from Connecticut (Mr. SHAYS) is not listening to us now, but I personally take great offense to the fact; and I am glad that the gentleman from Connecticut is now listening because I think that was a low blow. I knew people that died there. I was friends with people who died there. We all are. Everybody in this country became a New Yorker that day. That is a fact of life. From Oklahoma to Portland, Oregon to Miami, Florida, everybody became an American and a New Yorker that day; so do not mix one with the other.

The fact of life is that we are talking here about a very difficult situation. The FBI still has the right under the gentleman's amendment to look at what terrorists are reading and at what terrorists are doing. We want them to do that. We want them to do that. That is why we support the FBI's efforts. But what somebody else is reading which has nothing to do with terrorists, with an opportunity now to invade our privacy like we have never seen before in this country, that is not what this argument is about, and it should not be mixed that way. I think it is offensive to some of us who believe we can defend our country and protect our Constitution to be reminded every day that if we question this policy and if we question the PATRIOT Act, we are somehow un-American and not patriotic enough. No one should ever question us. I never question anybody's patriotism or their love for this country.

Now there is traveling around the possible threat of a veto. If our President wants to veto this bill that funds the FBI's effort against terrorism, that funds the embassy security for our men and women who work overseas, that funds our war on drugs, that continues like in the homeland security bill, our fight on terrorism and the protection of our liberty and our system, let him veto it. Let the President explain to the American people that he vetoed it because the gentleman from Vermont (Mr. SANDERS) wanted to make one small change.

My friends, the PATRIOT Act, and I must commend the leaders of this House, they are good at taking a bill that does just the opposite and calling it something that it is not. The PATRIOT Act is everything but the PATRIOT Act. It is probably the act that takes away a lot of our abilities to continue to be patriots, but that is another issue.

This bill is what it is. The gentleman from Vermont (Mr. SANDERS) is just trying to make it better. But I think my most important point here today is we should be careful what we say and how we say it because this is not the time to divide the country; this is the time to simply unite it.

Let me conclude my comments by reminding us of what one of our Founding Fathers, Benjamin Franklin, said: ''They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.'' That is our problem at the present moment.

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

I think one of the major issues, though, is this is something that should not be handled on the floor of the House in the heat of the moment with 20 minutes on each side. It is a serious issue.

Secondly, I was one of the Members who supported the 9/11 Commission. Thirty people from my congressional district died in the attack on the Pentagon. I think instinctively, no matter which side Members are on, they would want to wait until the 9/11 Commission. I know some have been critical of the 9/11 Commission. I have not. I have been supportive of it. We would want to see what the 9/11 Commission said; did they think this was a problem. I am sure that they are looking at it. We have been in contact with the 9/11 Commission on the reorganization of the FBI, so there are two issues.

We would want to wait to hear them, and we would also want to bring in the librarians, constitutional scholars, the Federal Bureau of Investigation, and others to come and review with thoughtful consideration, rather than a heated debate with 20 minutes on each side.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Chairman, I rise today in opposition to this amendment. The PATRIOT Act is not designed to be a Draconian assault on our rights, despite the description some have given it. Rather, it is a necessary fool which allows for effective communication between law enforcement and intelligence agencies. Let me say that again: it is an effective communication tool between law enforcement and intelligence agencies.

Those of us who have studied what went wrong on 9/11 came up with a very dramatic conclusion which was published in a joint report put out by the House and Senate which said the problem was communication, there was a wall that needed to be taken down; and in fact the PATRIOT Act helped accomplish this, and it was a useful legislative contribution by the United States Congress as the legislative body to help fight the war on terrorism.

We have agencies that set forth every day in our country with the goal of keeping America safe. That is no small proposition these days. We have all read on the front page of the New York Times, the very New York Times the gentleman is referring to, that city we are all concerned about, the concerns about domestic attack, about right-now worries that there are things that should give us concern about our safety from terrorists, that their attention may very well be focused there. That has been reported on the front page of the New York Times.

The PATRIOT Act makes the task of dealing with these people and these threats a lot easier, and I continue to support the PATRIOT Act, and those who are working behind the scenes with our national security organizations do too.

We all know that no piece of legislation this body or any body produces is going to be perfect. We all know about unintended consequences. And so Congress has done something else. We have provided for oversight capability in case we got something wrong, and we have the capacity to investigate and correct any instances of misuse of the PATRIOT Act, just as we would in other cases where wrongdoing is alleged.

The Permanent Select Committee on Intelligence, which I am the chairman of, regularly conducts oversight, and it has proven to be effective and reliable. To that end I have frequently described the Intelligence Committee when I make public speeches, which I do frequently, as the metaphorical 1–800 number for anybody who has concerns about abuses under the PATRIOT Act or any intelligence-related activities. The number to the House Permanent Select Committee on Intelligence has been and continues to be publicly listed and available to anybody who wants to call from around the world. If you have experienced a specific problem with the PATRIOT Act, you can now call us at our toll-free number. It only costs the taxpayers. The number is 1–877–858–9040. We will be happy to receive comments and exercise our congressional right to oversight as appropriate.

If there are problems with the PATRIOT Act, fine. Let us fix them in the kind of way that the chairman has properly suggested. I think the gentleman from Virginia (Mr. WOLF) has

exactly described the right process that we should have questioning all the time whether we are getting it right, particularly in areas of our own rights; and I think debate is well warranted.

But this amendment and the half-truths which have been perpetuated against the PATRIOT Act are not the answer.

In closing, Members might be interested to know that we have not had any specific abuse complaints brought to our attention. Let me say that again: we have not had any specific abuse complaints brought to our attention. And on the contrary, we have had significant testimony that has shown utility of the PATRIOT Act. It is not unfair to say that the PATRIOT Act has been and is a vital weapon in the war on terrorism. I would say, in my judgment, that lives have been saved, terrorists have been disrupted, and our country is safer. I fully endorse the idea of oversight by Congress, I fully endorse a reporting system for any abuses, and I am happy to report I know of none, and I think I am in a position to report fairly on that. I urge opposition to the amendment.

Mr. SANDERS. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of the Sanders amendment. Let me say that the problem of 9/11 was not with what Americans were reading in the libraries. It is what the intelligence community and the FBI were not reading from its regional offices.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I think it would be proper to rename this amendment and call it the ''partial restoration of the fourth amendment,'' and that is our attempt here. We are doing exactly what the gentleman early on suggested: this is oversight; this is our responsibility. This is the proper place to have the debate. It was the Congress that created the PATRIOT Act; it is the responsibility of the Congress to do something about it if it was a mistake. And it, indeed, was a mistake.

I would like to think that the American people are with us entirely, and I know a large number already are with us on trying to straighten up some of the mess caused by the Patriot Act, but I would like to say that there is one basic principle that we should approach this with, something I approach all legislation with, and that is the principle of a free society is that we never have to sacrifice liberty in order to preserve it.

The whole notion that the purpose of providing freedom and liberty to this country is that we have to give up some, I do not believe is necessary. It is never necessary to give up freedom to preserve freedom. I do think we made some serious mistakes. We made a mistake in passing the PATRIOT Act under conditions of an emergency and under the conditions of post-9/11. We did not do a very good job at Tora Bora. We failed to find the individuals responsible for 9/11 and we have not concentrated on the people who committed this crime. Instead, we have decided to invade and occupy a foreign country rather than protecting and providing security here, at home providing freedom for our people and more security for this country.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Virginia (Chairman WOLF) for yielding me this time.

Mr. Chairman, I oppose the Sanders amendment which would make libraries and bookstores a sanctuary for terrorists. There are many misconceptions about the PATRIOT Act, but section 215 has received an unfair amount of criticism. Section 215 covers access to business records. Library records, among other types of business records, have always been accessible under this provision.

□ 1300

These records have been subject to subpoenas by grand juries for more than 30 years. For example, in 1997 a murder case in Florida allowed a grand jury to subpoena the records from the public libraries in Miami.

Section 215 actually provides more protections than the subpoena powers of grand juries. First, this provision does not apply to ordinary citizens engaging in ordinary criminal activity. In order to conduct a search of records, the FBI must have a court order.

Second, there are narrow restrictions on when such a record search may take place. It can only be used to obtain foreign intelligence information concerning a noncitizen of the United States or to obtain information relating to international terrorism or clandestine intelligence activities.

Again, this type of record search is not available in ordinary crimes or even for domestic terrorism. Library records can provide a legitimate source of information on individuals planning terrorist attacks against us. If we exempt library and book store records from foreign intelligence investigations, then terrorists will know exactly how to hide what they are doing. If this amendment passes, terrorists will know that if they use computers at taxpayer-funded public libraries, the FBI would be powerless to get records of their terrorist activities. When drug dealers or crime syndicates use these computers, these very same computers, these records have always been available to grand juries. Why not the terrorist records as well?

Mr. Chairman, finally, I would like to add that this is an issue that should be considered by the Committee on the Judiciary, not as an amendment to an appropriations bill.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary, a hero of many.

Mr. CONYERS. Mr. Chairman, my congratulations to the gentleman from Vermont for bringing this forward.

Mr. Chairman, there are two ways that we can get the information from libraries, book stores, video stores, and that is through a regular criminal warrant and through a grand jury subpoena, all of which is frequently used. But doing it this way violates the fourth amendment, unreasonable searches and seizures; the fourteenth amendment, due process; the first amendment, freedom of speech; and the fifth amendment, due process.

For those who think they can call the Department of Justice's hotline and get the information, this information is classified. They will not reveal to the Committee on the Judiciary whether they have used it and how much they have used it. We know that they have through an American Civil Liberties Union lawsuit, which in the course of the suit it came out that they use it, but they will not give this information.

For those who want to suggest that the oversight by Congress will take care of the Sanders amendment, let me tell them the entire PATRIOT bill was substituted the night before it was unanimously reported from the House Committee on the Judiciary by the Department of Justice up in the Committee on Rules. So much for oversight by Congress. Support the Sanders amendment.

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

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the freedom to read amendment. It is imperative that we do all we can to protect our country against terrorism, but reinstating laws that allow the FBI to conduct searches on libraries with search warrants and criminal subpoenas would not jeopardize national security. It would merely protect our constitutional right to privacy and make our Nation's libraries free once again.

But under the PATRIOT Act, the use of our local library is no longer free. It can cost us our civil liberties. And in the U.S. that makes it very expensive.

We are talking about the basic right to inform oneself without the threat of the Federal Government looking over their shoulder for whatever reason it likes or analyzing their intellectual curiosity for whatever reason they want. This is a chilling thought in a country that calls itself the land of the free.

The first amendment protects our right to express ourselves. We should

not need a constitutional amendment that protects our right to inform ourselves, but section 215 of the PATRIOT Act makes us think it should be removed. I support this amendment.

Mr. Chairman, I rise in strong support of the Freedom to Read amendment.

This amendment would abolish section 215 of the PATRIOT Act. Section 215 gives the FBI unlimited power to examine our library records and book-store purchases—without providing any evidence that one is under suspicion of terrorism.

The free library is one of America's great educational and cultural traditions, and a cornerstone of our communities. But under the PATRIOT Act, use of the local library is no longer free. It can cost you your civil liberties, and in the United States of America, that makes it very expensive.

We aren't talking about flag burning here. We're talking about the basic right to inform yourself without the threat of the Federal Government looking over your shoulder for whatever reason it likes.

When you are doing research in a library or browsing the bookshelves at Barnes and Noble, you shouldn't have to think twice about how your intellectual curiosity might be analyzed in a Federal investigation. This is a chilling thought in a country that calls itself the Land of the Free.

The first amendment protects our right to express ourselves. We shouldn't need a constitutional amendment that protects our right to inform ourselves. But section 215 of the PATRIOT Act makes you wonder.

It's imperative that we do all we can to protect our country against terrorism.

Reinstating laws that allow the FBI to conduct searches on library and bookstore records with search warrants and criminal subpoenas would not jeopardize national security. It would merely protect our constitutional right to privacy and make our Nation's libraries free again.

Support the Freedom to Read amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time. I have high regard for the gentleman from Vermont, my good friend, and the gentleman from Idaho (Mr. OTTER), and I regret that I have to oppose their amendment. But I want to tell the Members why.

Obviously the PATRIOT Act does suspend some constitutional liberties. I am one of those people who loves the Constitution and believes we should not tamper with it. The problem that we have is that on 9/11 we had over 3,000 of our fellow Americans killed by terrorists because we did not know in advance what was going to happen. This is not the kind of situation where we can wait and say, okay, we suspect something is going on, we go get a court order from a judge and say, we think this guy is going to do something, and we go get him because in the interim he may have killed 4-, 5-, or 10,000 people. We have to nail that son of a gun before the act takes place.

So although some of our liberties have been temporarily suspended, the FBI told us yesterday, and many of us were at that meeting, that the PATRIOT Act has been very beneficial in stopping further terrorist attacks here in the United States of America.

The PATRIOT Act expires in the year 2005, next year; so we will have a chance to review it again. It has to be renewed because it has a sunset provision because we are all concerned about the Constitution. But we are in a war against terrorism right now. We cannot wait for a terrorist attack to take place and then say, oh, my gosh, why did we not do something about it? We have to use every tool that is available to us to prevent that attack from taking place in the first place, because once it happens, then God help us all.

So the FBI and the CIA and all of our intelligence people tell us right now the PATRIOT Act is a very valuable tool in preventing further terrorist attacks on America. We should not be tinkering with it right now. Next year we can review it, but right now in a war against terrorism, we were told yesterday that we may be in attacks this summer, and we have to do everything we can to prevent it. And that means do not mess with this thing right now, even though I love my good friend from Vermont.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just rise today in strong support of this amendment and thank the sponsors, especially the gentleman from Vermont for his leadership on this issue. Last year the gentleman from Vermont (Mr. SANDERS) came to my district where hundreds came to express opposition to this provision of the very onerous legislation that we are talking about before us today. Under section 215 of the PATRIOT Act, the FBI has the power to search for any tangible things, including books, records, papers, documents, and other items, in any location after showing minimal justification. This punishes all Americans and really has nothing to do with tracking down terrorists.

This amendment would allow the FBI to follow the procedures already in current law to obtain warrants to retrieve records for terrorist-related or criminal investigations. But come on. Families should not be afraid to check out children's books for fear that they may be investigated for collaborating with terrorists.

This amendment would restore and protect the privacy which is afforded to us by our first amendment, the rights of library and book store patrons which were in place before the USA PATRIOT Act. Those that did not know this was written in in the dark of the night, this was written in, we now know. Today we have a chance to get back the rights guaranteed by our Founding Fathers.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Chairman, eliminating these authorities, as this amendment would do, would mean that we can get library records for run-of-the-mill criminal investigations with a grand jury subpoena that does not require a court order or judicial review, and it would also mean that we would be eliminating or restricting section 215 of the PATRIOT Act, and that would preclude the government from getting the identical library records as the run-of-the-mill investigation I mentioned earlier to protect national security interests of the United States. This is at best inconsistent with regard to law enforcement.

Congress recognized this inconsistency and corrected it in the U.S. PATRIOT Act. For example, today by grand jury subpoena the government can obtain similar records, library or other business records, related to the crime of cattle rustling under Title 18 U.S.C. section 2316. But under this amendment we could not get identical records using a court order for terrorism-related information.

Section 215 of the PATRIOT Act only applies to the foreign intelligence investigations and allows only for the collection of records for an investigation to protect against international terrorism or clandestine intelligence activities. This authority requires judicial review, whereas a grand jury subpoena for cattle rustling on the criminal side does not.

By exempting library records from the business records authority under section 215 of the PATRIOT Act, this amendment creates a safe haven for terrorists to communicate and do research on the next attack that is not created for cattle rustlers.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I believe in the freedom to read, and Americans' right to read and purchase books without fear of government monitoring has been wiped out, it has been erased, it has been undone by the passage of the PATRIOT Act. Congress must repeal this unconstitutional provision, and we must do it today with this amendment.

The PATRIOT Act forces library users to self-censor their reading choices out of fear. Mr. Chairman, censorship is not what America is about. The existing law would make one believe that by reading a book, the 9/11 terrorists came into existence. The existing law would lead one to believe that books are the enemy. Let us not forget the book burnings in Germany. Books are only the enemy if we do not want our population to be educated.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, just a short time away from

the memorializing of the loss of over 3,000 of our brothers and sisters during 9/11, we stand on the floor to acknowledge our commitment in the war against terror and for homeland security. But not one single terrorist that perpetrated that heinous act was found in the libraries of America on 9/11. And so I rise to support this amendment on the simple premise that it reinstates legal standards for investigations of libraries and book stores which are part of the constitutional protection of the first amendment, and protectionss that were eliminated under the U.S. PATRIOT Act.

I simply ask my colleagues to recognize that the war on terror does not require us to drop our constitutional rights at the door of this body or the courthouse. Let us stand for the balance between democracy and security and support this amendment and defeat the unconstitutional intrusion on our rights!

□ 1315

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I rise in strong support of the Sanders amendment. I voted for the PATRIOT Act, I voted for all the appropriations for the war against terror, I voted for all the intelligence appropriations, and will continue to do so. But I think we have to be careful. We have to carefully balance the war against terror with our personal freedoms.

With the passage of the PATRIOT Act, the FBI gained the unprecedented power to search libraries and book-buying records without probable cause of any crime or intent to commit a crime. Furthermore, librarians and others who are required to turn over records are barred from informing anyone that the search has occurred or that records were given to the government. This means that average Americans could have their privacy violated wholesale without justification or proper judicial oversight.

This amendment will not limit the ability of the FBI and the Department of Justice to fight terrorism. This amendment will ensure that library or bookstore records relating to an American who is not the subject of an investigation will not wind up in the government's hands without the benefit or protection of the courts.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, 9/11 was a great tragedy. An even greater tragedy is the destruction of our Bill of Rights.

The PATRIOT Act gives the government the right to search library reading lists. Our government should not care what people are reading; it should care that our people can read. Fear passed the PATRIOT Act, and fear will destroy our democracy.

When Francis Scott Key wrote that ''Star Spangled Banner,'' he raised a question: Does that star spangled banner yet wave, over the land of the free and the home of the brave? He made the connection between freedom and bravery, between courage and democracy.

This is a time for America to have courage. Courage, America. Freedom, America. Liberty, America. Support the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of the Sanders-Otter amendment, which would help restore the privacy and first amendment rights of library and bookstore patrons.

On the day the PATRIOT Act passed in this body, few Americans were aware of its harmful impact. Today, I can tell you Americans and my constituents are appalled at the emasculation of our Constitution.

Section 215 granted authorities unprecedented powers to search or order a search of library and bookstore records without probable cause or the need for search warrants. This is absolutely unprecedented. Those rights to a search warrant, to probable cause, are in the United States Constitution. They were swept aside in the PATRIOT Act.

We should make the commonsense changes that this amendment makes. I urge support of the Sanders-Otter amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, with all due respect, I think we are swallowing camels and straining out gnats. We talked about the fact that you need probable cause under the PATRIOT Act. You do not need it under existing law. You can go to a grand jury under existing law and get this information, right now.

I would submit that we are not thinking straight. We are at war with terrorists. We need to respond to what we most fear: A chemical, biological, or nuclear attack. Or even a conventional weapon used in a pretty horrific way, with dirty weapons, dirty nuclear material. That is a fact. I am not inventing something. I have had 50 hearings on this.

The bottom line is, you remove this from the PATRIOT Act, and they can still do all the bad things they want. Under the PATRIOT Act, you have to go to the Justice Department, you have to go to FISA, and then you have to get a court order. I would submit it is a safer way.

The advantage is you do not have to tell a whole lot of people you are doing it. You get the records of what they are reading, what they are talking about, and then know whether we need to act more strongly.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Chairman, in the Bush-CIA-created democracy in Iraq, they just adopted martial law. The human rights minister said it is just like the American PATRIOT Act.

The Congress has tackled some unusual legislation recently. The Senate just voted to reaffirm that we actually support the Geneva Conventions, and today we are in the House debating no less than the freedoms guaranteed by the first amendment in our Constitution, freedoms that were compromised in a rush to judgment by this administration.

They did not get in martial law here yet, but they have got it in mind. They want to have the government able to reach into our lives, no matter what we are doing, no matter what you read in the library. Do not buy a ticket to ''Fahrenheit 9/11'' on the Internet, because they will get your Internet records. They are going to get everything about your life, and they will continue to do it until we finally wind up with martial law.

The amendment before the House would grant Americans the freedom to read books from the local library or your favorite bookstore, without the FBI looking over your shoulder.

Yes, we are here to restore one of the founding principles of this Nation. Today, we have to legislate freedom. There is a strong possibility that Republicans will vote against the amendment and kill the right for an American to read without fear of snooping by the government

There is every reason to believe that Americans will end this day not really knowing whether the book they just checked out of the library has placed them on the FBI watch list. Who is to say what books might get you placed under surveillance by the government.

Maybe you like history and want to know about the people who led nations against us. That alone would prompt Attorney General John Ashcroft to consider you a subversive. And, you will never know.

The so-called Patriot Act has made a patsy out of the first amendment. There is a secret court that can let the government peer into your private life. They can pry, snoop, spy, intrude, watch, poke around, and access your records, your life, without your knowledge, forget about consent.

The Attorney General wants the power. He insists he must have the power to protect America from Americans, any American he deems shady. What's the threshold? Well, that's a secret and a moving target. Today, maybe John Ashcroft won't like Catcher in the Rye and consider you subversive if you check it out. Tomorrow, maybe it will be The Great Gatsby, or perhaps Germany's Secret Weapons of World War II, or The Da Vinci Code. There's no limit to what the Attorney General might consider subversive. There's no limit to the spying he can order. There's no limit on government intrusion in your life. There are, however, new limits, severe limits to what this country is all about—freedom.

Are there bad people out there? Of course there are. And there are effective laws available to the Attorney General and the FBI to

find these people. Every American does not need to be put under surveillance in order to protect America.

If you let government break into any American's private life without a rational check and balance, a cold wind will blow across this Nation and make us less free and no less vulnerable. We can fight the war on terror without declaring war on freedom. We can keep America safe and keep America free.

I urge the House to restore freedom to every American. I urge the House to pass the Freedom to Read Protection Act. If we are to remain the Land of the Free, we need to defend civil liberty as vigorously as we prosecute the war on terror.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me conclude. I am distressed by anybody in this body who suggests that any Member of this body is not going to do everything that he or she can to fight terrorism. We are all in that together. But in the process of fighting terrorism, it is imperative that this body maintain the basic constitutional rights which have made us a free country.

There is nothing in this amendment which prohibits the FBI or the government from going into libraries or bookstores as quickly as they can when they have to. This legislation that we are supporting is supported by conservatives, by moderates, by progressives, by people who are fighting hard, not only against terrorism, but fighting hard to maintain the basic freedoms which make our country the envy of the world and a free Nation. And in the fight against terrorism, we have got to keep our eyes on two prizes, the terrorists and the United States Constitution.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I again rise in opposition. The debate has been good, though; and I think it is good we have had it.

Let me say, first, that the PATRIOT Act does not allow or authorize martial law. It is important we know that. It does not.

Second, in the statement the gentleman from New York (Mr. NADLER) made, it was inaccurate when he stated that grand jury subpoenas issued for business records, including library records, in ordinary criminal investigations are governed by a probable cause standard. That is not so. Rather, grand jury subpoenas in criminal investigations are governed by a standard of relevance, the same standard that applies to the issuance of court orders for the production of business records in intelligence investigations pursuant to section 215 of the PATRIOT Act.

So, really, you cannot just get down here and say this and say that, because we are moving people. People are listening back in their offices.

Third, there has been a lot of talk about legal issues here. We have not been hit since 9/11. No one has died in an attack on this country since 9/11. We know that.

We also know that al Qaeda, and frankly, Osama bin Laden lived in Sudan from 1991 to 1995 and nobody did a darn thing about it. Nobody did a thing about it. They could have picked him up several times, and they did nothing about it. But we know that Osama bin Laden and others want to bring about death and destruction and kill American citizens. We have seen the beheading of Nicholas Berg and others.

Has the PATRIOT Act helped us and our safety? I believe it has, and based on briefings that other Members on both sides have had, they do believe that it has actually helped us and kept what took place at the Pentagon, in my area, and I agree with what the gentleman from New York (Mr. SERRANO) said, up in their area, where they have deep, deep concern. We know it does and has helped.

Now, on this amendment, was Mr. Mueller, the Director of the FBI, and the gentleman from New York (Mr. SERRANO) would agree, has been asked what he thinks of this amendment? Has he been asked if this amendment hurt their efforts with regard to cutting off al Qaeda and other groups from killing United States citizens?

We see the letter that came from the Justice Department. I put it in the RECORD. It said, ''You should know,'' this was to the gentleman from Wisconsin (Mr. SENSENBRENNER), ''we have confirmed that as recently as this past winter and spring,'' winter and spring, two times apparently, ''a member of a terrorist group closely affiliated with al Qaeda,'' the al Qaeda who did the 9/11, al Qaeda who did Tanzania, al Qaeda who did Nairobi, al Qaeda who did the USS *Cole*, al Qaeda who did the World Trade Center in 1993, that al Qaeda that ''used Internet services provided by a public library.''

Now, this says in here to the gentleman from Wisconsin (Mr. SENSENBRENNER) that in the winter and the spring somebody connected with al Qaeda used the Internet at a public library. If we can stop what took place in my area with regard to the Pentagon, then I want to stop that, because we have gone to enough funerals, and you all have gone to enough, and two of my children live in New York City, and I know how the gentleman from New York (Mr. SERRANO) and those of you feel. It says they have used it.

Lastly, will this create a safe haven? I do not know. Let us let the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the members of the Committee on the Judiciary look at it.

It comes to an end. The Congress had wisdom to bring it to a sunset in 2005. Have hearings been held? I would ask the gentleman, Have hearings been held on this issue by the Committee on the Judiciary? There have not been. I see the gentleman from Michigan (Mr. CONYERS), and I say to the gentleman from Michigan (Mr. CONYERS), I will not be at that 2 o'clock meeting we are going to have. The hearings have not been held.

Since hearings have not been held, since the FBI has not been asked, since we have not been hit, I strongly urge Members on both sides, even though you have reservations and doubts, to vote down this amendment and allow the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) to do their work and make sure that whatever they do is appropriate and constitutional and in the best interests of this country.

Mr. Chairman. I urge members for a ''no'' vote.

Ms. HARMAN. Mr. Chairman, although I have expressed serious concerns about our government's ability to search library and book store records, I do not believe that the Sanders amendment is the proper vehicle for addressing this concern. I will reluctantly oppose it.

The PATRIOT Act is a flawed law. It was passed just 7 weeks after September 11, 2001, without meaningful debate about how its new, wide-ranging powers would impact civil liberties. The Act contains some important provisions, such as modernizing law enforcement tools. But it also contains some highly problematic provisions, such as those that potentially give law enforcement officials a license to go on fishing expeditions for personal information unrelated to terrorism.

I believe we must carefully review the PATRIOT Act when it comes up for reauthorization next year. Congress should decide which provisions are necessary to win the war on terrorism, and which are unnecessarily harmful to civil liberties. This process should not be done "on the fly" in the middle of an election year, before we have an opportunity to understand the Act's full ramifications.

That is why I also oppose any effort to make permanent the PATRIOT Act. We adopted this bill in a rush. We wisely included sunset provisions that kick-in after sufficient time has passed to allow us to carefully assess the effectiveness of the provisions and their impact on civil liberties. Let's not rush to make permanent any of the provisions without the careful review we initially envisioned.

The responsible course of action is to revise the PATRIOT Act after we understand how best to improve it.

Mr. OTTER. Mr. Chairman, the freedom to read what we want—it may not be the first thing that comes to mind when we talk about those basic, unalienable rights for which generations of American heroes have fought and died. The idea of a government controlling what we read is the stuff of history books and horror stories about tyrants and dictators. It is not something we expect to face here in America—the Land of the Free.

That was before the passage of the USA PATRIOT Act. Section 215 of that law has given Americans reason to wonder whether the government might be looking over their shoulders when they check out books and materials from their local library. It has dangerously undermined the people's confidence in their government and threatens the precious freedoms we enjoy under the First amendment.

That's why I support this amendment today. I fully recognize the need to provide our law enforcement officers with the tools necessary to combat terrorism and keep Americans safe. However, security bought at the price of the freedoms on which our Nation was founded is no real security at all. Certain parts of the Patriot Act, including Section 215, may have seemed understandable in the short term, but they are intolerable over time. We need to set things right before our precious constitutional rights are eroded beyond recognition.

We sacrifice something much more dear than our physical safety when we fail to be diligent in defending our freedoms. Once lost, they seldom if ever are regained. And whether the tyranny that robs me of my liberties comes from abroad or starts here at home makes no difference. It is equally unwelcome. I am just as committed to protecting Americans from their own government's excesses as from the violence of foreign extremists.

The degree to which that commitment has captured America's imagination and has found growing support here among my colleagues is one of the most gratifying experiences in my public life. A vote for this amendment is a vote to restore Americans' confidence in the ability of Congress to protect the freedoms they hold dear.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. 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 Vermont (Mr. SANDERS) will be postponed.

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The amendment offered by the gentleman from Michigan (Mr. SMITH) addresses a portion of the bill that has been passed in the reading. Does the gentleman ask for unanimous consent for its consideration at this point in the reading?

Mr. SMITH of Michigan. Mr. Chairman, I do.

The CHAIRMAN. Is there objection to its consideration at this point in the reading?

Mr. SERRANO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield.

Mr. WOLF. I yield to the gentleman from Michigan.

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

□ 1330

Mr. SMITH of Michigan. This amendment would take money from the United Nations and would put that $20 million in NIST, the National Institute of Standards and Technology, at a level that was recommended by the President.

I am offering this amendment, taking money from the United Nations appropriations, international organizations and, because I am concerned about the additional money that the United Nations has taken and has in their possession from the Oil-for-Food program.

I think this Congress should be very concerned about what has happened in the Oil-for-Food program. This particular line item appropriation was increased 19.4 percent above last year, even though there are reports that the U.N. kept $100 million of the Oil-for-Food money to pay for its own operating expenses. This money was intended to rebuild Iraq, but instead the American taxpayer is currently paying the tab.

Also, the U.N. collected .8 percent of the Oil-for-Food transactions to pay for weapons inspections, but between 1999 and 2002, the U.N. collected $400 million for weapons inspection, even though no inspections took place.

So that is where the $20 million would come from. It goes to increase the appropriation up to the President's request for the National Institute of Standards and Technology, NIST.

You know, it is a simple amendment that I think is fair, that I would hope would be in order so that this body could consider how far we wanted to go increasing some of the appropriations to the United Nations, again by 19.4 percent at a time when it is reported that they have, in effect, confiscated $400 million for weapons inspections that they did not make; at a time when they have taken another $100 million off according to an article in the Wall Street Journal, to pay for their own administrative expenses.

I think it is reasonable and appropriate that we send a signal to the United Nations that we are not going to have this dramatic 19.4 percent increase in those kind of appropriations, at a time when the United Nations has issued orders apparently to not release the background of the Oil-for-Food program, when countries that were involved in the Oil-for-Food program such as Russia, such as France, such as some of the other countries that now have instructed their people not to release the information so that we can appropriately investigate what happened in the misuse of that Oil-for-Food program funds.

Recently, both my Agriculture and International Relations Committees held hearings on the United Nation's Oil-for-Food (OFF) program scandal. That program taught us a lot about the United Nations' (UN) weaknesses and explain the actions of countries like France and Russia when they worked against us last year.

The UN placed trade sanctions on Iraq after Saddam Hussein invaded Kuwait in 1991. By 1995, the sanctions were widely blamed for a developing humanitarian crisis in Iraq. The United States and Britain realized that Iraq, which has the second largest oil reserves in the world, could trade oil for food and medicine. We pushed for UN Security Council Resolution 986, and the OFF program was created. If effective, it would have reduced the humanitarian impact of the sanctions while preventing Hussein from buying weapons.

Unfortunately, Hussein cheated OFF and the UN didn't stop it. He managed to get his hands on at least $10 billion of OFF money. Other countries were complicit in helping him cheat. France and Russia demanded that we let Hussein design OFF. It allowed Hussein to pick the price for his oil, to pick his customers, and to control the people who audited him. Within a few years, the flawed program allowed Hussein to sell at low prices in exchange for kickbacks that were funneled into Swiss bank accounts. This was suspected at the time, but it was impossible to fix it. Fixing it would have required unanimous support of the Permanent Members of the Security Council, including France and Russia. At the time, these countries said that they wanted to end the sanctions completely. France, Russia, and China all had oil contracts with Iraq that would have been activated, resulting in huge benefits for these countries had the sanctions been removed.

At the same time, UN bureaucrats in Iraq were slow to file reports and bring irregularities to the attention of the Security Council and its oversight committee. Furthermore, Iraq paid its UN auditors. The more trading they allowed, the more money the UN got. These arrangements have only come to light since Saddam Hussein's fall. There are reports that even the UN's head of the Oil-for-Food program, Benon Sevan, was on the take from Hussein.

The United States and Britain have pushed for an audit to find out what happened. Paul Volcker, a former Chairman of the Federal Reserve, is heading a UN investigation. However, the UN is stonewalling. Sevan sent letters ordering UN offices to refuse to cooperate. Russia has asserted that it will not release any documents. And other UN bureaucrats have refused to share papers. I have sponsored legislation that would cut U.S. support for the UN if it doesn't cooperate.

The real story here is that many countries make decisions based solely on what is good for their country, with no regard for the goals and ideals of the UN Charter. Certainly, this calls the Security Council's moral authority into question and degrades its capacity to respond appropriately to events. Is it any wonder that, under pressure from these countries, UN could not agree to support us in Iraq? And is it any wonder that at the first threat of danger, the UN pulled out? We need to carry out a full and thorough investigation and make changes if the United States is to continue with some degree of confidence.

And with that, Mr. Speaker, we can proceed to the point of order. I would hope that inasmuch as this amendment was included in the unanimous consent to be allowed to be considered, that we would allow my amendment to be considered.

Mr. Chairman, I would like to question the ruling of the chair on whether or not the amendment has been passed.

The CHAIRMAN. The unanimous consent request to consider the amendment at this point was objected to. The amendment is not pending.

PARLIAMENTARY INQUIRY

Mr. SMITH of Michigan. May I have a parliamentary inquiry, Mr. Chairman?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SMITH of Michigan. Mr. Chairman, I refer to the unanimous consent request that was made last night asking unanimous consent that during further consideration of this bill, H.R. 4754, that the following amendments be allowed to be offered, and my amendment is included in that list.

The CHAIRMAN. That order of the House of yesterday did not waive the requirement that the amendment come at the appropriate place in the reading.

Mr. SMITH of Michigan. Mr. Chairman, I am not questioning the points of order against the amendment. I am questioning the ruling of the Chair that this amendment cannot be offered at this time.

The CHAIRMAN. The portion of the bill adderssed by the gentleman's amendment has already been passed in the reading. Therefore, the gentleman would need unanimous consent to return to that portion of the bill without which, the amendment would be subject to a point of order..

Mr. SMITH of Michigan. And I guess, Mr. Chairman, reluctantly I will accept the ruling of the Chair.

AMENDMENT NO. 20 OFFERED BY MR. AKIN

Mr. AKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. AKIN:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the provisions of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7631(e) and (f)).

The CHAIRMAN. All points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Missouri (Mr. AKIN) for 10 minutes.

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

About a year or so ago we passed the $15 billion AIDS package, and we did so because we believed in the principles of prevention coupled with treatment.

Now, the amendment that I am offering here today is to make a crystal-clear understanding that the intention of the United States Congress and the American people is in regard to the distribution of this money.

The amendment simply codifies existing law by ensuring that no taxpayer funds designated for this bill, which has to do with tuberculosis, malaria, as well as AIDS, may be used to promote or advocate the legalization of prostitution or sex trafficking, and that no funds may be given to any group or organization that does not have a policy that is explicitly opposing prostitution and sex trafficking.

We have received word that there are groups who actively promote prostitution on their Web site, that they have received U.S. tax dollars in the past, and that is why this language is important and why it must be enforced.

If we subsidize any organization, we unavoidably enrich and empower all of the activities of that particular organization, and clearly it is not in the interest of our foreign policy to enrich or empower organizations that refuse to denounce prostitution and sex trafficking.

Now, I probably should make this point very clear that, first of all, my amendment applies only to the $15 billion of AIDS money, and also, that this amendment in no way prevents the distribution of condoms or medications to prostitutes or women sold into the sex trade. It simply mandates that the organization distributing these items must have a statement opposing prostitution and sex trafficking. In fact, in paragraph (e) of the law, it says, ''Nothing in the preceding sentence shall be construed to preclude the provision to individuals of,'' and it goes on to the different types of medical care.

Mr. Chairman, when the United States sends tax dollars to treat and prevent AIDS in Africa, we are telling women that we are interested in their well-being, and we must never confuse that message by financially supporting organizations that actually promote prostitution and sex trafficking.

Now, this may be a little bit theoretical; sometimes we deal with statistics in this Chamber. But in my own experience, traveling to India, to Mumbai, we had a tour of the red light district, and we saw the people that were victims of the sex traffic trade. In fact, we saw their children, about two dozen of them. And one of the things that we were told is that when those children come, first of all, to this house where they can be finally treated decently, and they are told that they have a bed, when it comes nighttime, they crawl underneath the bed. They crawl under the bed because that is where their mother trained them to stay while she was making her living in the evenings.

So we do not want to have any way that any of our policies could be construed with United States money for in any way endorsing or supporting any organization that is not explicitly willing to denounce the trafficking and the misuse of women and children in the sex trade.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, just for 30 seconds. This is a good amendment, and I strongly, strongly support it. I want to thank the gentleman from Missouri for offering it.

The exploitation of women is very common, and, unfortunately, a growing, growing problem. I appreciate the leadership of the gentleman from New Jersey (Mr. SMITH) and the gentleman from Pennsylvania (Mr. PITTS) and others on this issue.

So I strongly support the amendment.

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

Mr. SERRANO. Mr. Chairman, I rise to claim the time in opposition, and I yield myself such time as I may consume.

To be honest, there is some confusion around here as to where this amendment is going. I know that the chairman already said it is a good amendment, and I understand my colleague said he would accept the amendment. But we are just trying to figure out if, indeed, this amendment should be on this bill at all, or if it should be in the foreign operations bill.

I would like to ask the chairman that question, if he feels this belongs here, or if he feels it belongs in the foreign operations bill. And secondly, if he understands, as I do, that this bill really speaks not to one section of our bill I guess, but to all sections, that if someone does not have a written policy, a policy, by the way, that no one is against in this House or should be against, that this would go into effect. In other words, this would not be the first time that there is some confusion on an amendment, and that is what we are trying to say.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we have been led to believe that only, as the gentleman said, applies to the section that he made clear earlier, only to that section dealing with HIV/AIDS. I personally, though, would make it apply to everything, because of the thought of the exploitation to women. But unfortunately, it just applies to that one very narrow section.

I think it is appropriate on this bill, because we have extensive funding in this bill with regards to sexual trafficking. But unfortunately, it does just cover that narrow section with regard to HIV/AIDS.

Mr. SERRANO. Mr. Chairman, reclaiming my time, the amendment extends the prohibition against all funds in this bill to assist any group or organization that does not have an explicit policy against prostitution or sex trafficking; again, something we are all in favor of getting rid of.

The bill funds the Justice Department, the Commerce Department, and the Judiciary. The question is why should we refuse to help a small manufacturing firm that seeks MEP assistance, for instance, because they do not have a written policy against prostitution? Why should we encumber COPS

funds to local police departments or tell the courts they cannot pay a court reporting organization that does not explicitly prohibit prostitution? What effect does this amendment have on scientific grants from NIST and contracts from NOAA?

There are some who will question the motives of the opponents of this amendment and suggest that we do not fight strongly enough against prostitution and sex trafficking. I am just concerned that this will cast aspersions on us because we think this is an overbroad amendment with unintended consequences. I just wish, Mr. Chairman, that we would really take a closer look here in consultation with the sponsor, because this, I think, accomplishes or does much more than we think it does.

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

Mr. AKIN. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the Akin amendment which affirms, reaffirms existing U.S. policy of two of the most heinous practices known to humankind: sex trafficking and prostitution.

It should be very clear that the Akin amendment reiterates that funding in this bill cannot be used to circumvent provisions already existing in law, Public Law 108–225. As with the existing law, the Akin amendment states that no taxpayer funds designated for HIV/AIDS prevention may be used to promote or to advocate the legalization of prostitution or sex trafficking, and that no funds may be given to any group or organization that does not have a policy explicitly opposing prostitution or sex trafficking.

As the author of both the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Reauthorization Act of 2003, I believe that the U.S. should do everything in its power to combat and to eliminate human trafficking in prostitution.

Those who advocate the legalization of prostitution, I believe, are doing a grave disservice to women and demeaning their dignity.

□ 1345

Individuals and groups seeking to receive U.S. assistance to fight AIDS who believe that the legalization of prostitution or they turn a blind eye to prostitution are part of the problem. They are not part of the solution.

Mr. Chairman, the horrors of sex trafficking, which is indeed modern-day slavery, and the ugliness of prostitution cannot be understated. The recently released ''Trafficking in Persons Report,'' which was done pursuant to our Act, has pointed out that some 600,000 to 800,000 people are trafficked every year across borders. I urge a ''yes'' vote for the Akin amendment.

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

I would just make my last appeal to the gentleman. I think this may be an issue that people want to discuss; but it is certainly, from everything we can gather, not intended to be part of this bill. Secondly, it leaves incredible questions open. As I said before, anyone seeking a grant under this bill, this bill has many areas where you can, in fact, seek funding to do medical research, to do all kind of research, to contract with the government; and this is so open that nowhere else I think in our government do we say that you must first sign a document committing yourself to something before you can even be involved in receiving Federal dollars.

There are laws that cover behavior, yes, that is true, fair housing, discrimination and so on. But this one, my God, there are people who have not even looked at this issue. And to suggest that if they do not have it down in writing, they have a policy that they have to present this policy, they cannot engage in research or engage in building or something else, it is totally out of left field to me. I really think this is overreaching. This is too broad, and I was really hoping that the chairman would see it that way and oppose it for the time being. I hope we could reconsider it.

Ms. LEE. Mr. Chairman, I rise in opposition to the amendment offered by the gentlemen from Missouri, Mr. AKIN.

Not only is this amendment redundant and unnecessary, because the existing language is already contained in last year's Global HIV/AIDS bill, but this amendment is also an extension of a bad piece of public health policy.

Mr. Chairman, of course we don't support the legalization of either of these practices, and we would never allow the taxpayers money to be used to advocate or support for their legalization.

But to deny funding to an organization, any organization mind you, because it doesn't have a specific policy that is opposed to either of these practices is counterprodutive to achieving our long term goals of reducing the spread of the disease, and treating those already infected.

How can an organization that is seeking to mitigate the risk of infection for sex workers reach out to these women when we require them to have an affirmative policy in place that would turn these very women away from receiving education and treatment for HIV/AIDS?

It's not like the women who get involved in the sex trade are doing it as a matter of choice. They are doing it to survive. They are forced to sell their bodies to put food on the table for themselves and their families. For them, it is survival sex.

Last year I traveled to Zambia on a Congressional Delegation, where I had the opportunity to meet some of these women at Chirundu, one of the border crossings into Zimbabwe.

I can tell you, the women who live in the surrounding community at Chirundu are economically destitute with no employment opportunities, they are forced into the commercial sex industry to survive.

What incentive will such a woman have to learn about how to protect herself from contracting HIV, or how to avoid spreading it, if every organization she turns to rejects the very basis of her situation, of her existence? How can she trust an organization that believes that prostitution is a choice for her?

Just take a look at the case of Thailand. On Sunday the 15th International AIDS Conference will take place there, and I think we should take a look at how Thailand confronted its own HIV epidemic among its sex workers.

The government wasn't saying one thing and doing another by proclaiming its opposition to the commercial sex industry.

It was actively trying to reach out to sex workers and to make it easy for them to come into a health clinic, get information about HIV/AIDS, get access to condoms, and mitigate their risk of getting, or further spreading the disease.

Like the case in Thailand, we should be reaching out to these women, not turning them away. We should also be helping them to get an education, start a business, and hold down a job.

The amendment we passed last year was a flawed piece of public policy, and by extending this policy, this amendment we are considering today is equally flawed.

I urge my colleagues to oppose it.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

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

Mr. AKIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on this motion are postponed.

AMENDMENT NO. 4 OFFERED BY MR. OTTER

Mr. OTTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. OTTER:

Insert before the short title at the end the following:

TITLE VIII—NOTICE OF SEARCH WARRANTS

SEC. 801. Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''may have an adverse result (as defined in section 2705)'' and inserting ''will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant''; and

(B) in paragraph (3), by striking ''a reasonable period'' and all that follows and inserting ''seven calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to seven calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant.''; and

(2) by adding at the end the following new subsection:

''(c) REPORTS.—(1) On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for delays of notice, and for extensions of delays of notice, with respect to warrants under subsection (b).

''(2) Each report under paragraph (1) shall include, with respect to the preceding six-month period—

''(A) the total number of requests for delays of notice with respect to warrants under subsection (b);

''(B) the total number of such requests granted or denied; and

''(C) for each request for delayed notice that was granted, the total number of applications for extensions of the delay of notice and the total number of such extensions granted or denied.''.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Idaho (Mr. OTTER) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Idaho (Mr. OTTER).

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

Mr. Chairman, earlier today on another amendment, we heard the distinguished chairman of the subcommittee mention that we should leave the PATRIOT Act and my amendments there up to the gentleman from Wisconsin (Mr. SENSENBRENNER) and up to the gentleman from Michigan (Mr. CONYERS).

Mr. Chairman, we did not leave the PATRIOT Act up to the Committee on the Judiciary, up to the gentleman from Michigan (Mr. CONYERS) and up to the gentleman from Wisconsin (Mr. SENSENBRENNER), as was discussed and has never been refuted. This PATRIOT Act that we have been having to deal with for the last 3 years was snuck in at the very last minute.

So the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), who the chairman now wants to turn over the jurisdiction for the PATRIOT Act, never got a chance to take a final look at the actual PATRIOT Act itself.

Mr. Chairman, I rise today to discuss an amendment that, I believe, renews an important balance between protecting our liberties and protecting our Nation. I understand that the language is subject to a point of order, and I am prepared to deal with that. However, this issue drives to the core of who we are, or who I hope we are as Americans. And I believe it is important to address today.

The fourth amendment which protects us from unreasonable searches and seizures by government came from a firsthand experience of our Founding Fathers. Then King George III called it what it really was, writs of assistance, and before that it was also mentioned in the Magna Carta.

So what we have done with the PATRIOT Act and sneak-and-peek provisions of search warrants has destroyed many, many years of efforts by freedom fighters throughout the decades. This idea of individuality, that each person is created unique, is something unique to the United States and cannot and should not be taken away, especially not by its own government. If we cannot trust our own government to not make war on its own people, how can we trust this same government to make war with our enemies? That is why I am so concerned about the way we have expanded the power of government to do sneak-and-peek searches. The issue at hand is not when or where or how often these warrants may be executed or may be used; the fact that government has the power at all should be something of great concern to all of us.

I do not doubt that the provisions of the PATRIOT Act that address sneak-and-peek were well intended. It is important to know that we are safe and secure within the borders of this country. Mr. Chairman, we cannot, we will not be safe in this country unless we are secure under the fourth amendment to the privacy of our own person and our own property.

I understand that the sneak-and-peek warrants were used before the passage of the PATRIOT Act. We discussed that earlier. There were certain provisions which the authorities had to go through before they could simply waltz into somebody's home. By broadening the use of the sneak-and-peek warrants and making them the standard rather than the exception, the PATRIOT act threatens our liberties that were given us by our Creator and are now protected by the Constitution. That is why I am offering this amendment today.

As Americans, I believe our fundamental belief that each of us is ultimately responsible for safeguarding ourselves. It is our obligation and our duty as citizens to this great Nation to see to it that we are secure in our own liberties, and it is our responsibility first and then the government's.

We would be justifiably enraged if some individual or a group acted to destroy our Constitution, all at once to wipe away in one terrible moment the centuries of struggle and countless lives sacrificed to winning the liberties we hold so dear.

It is equally important that we jealously guard against allowing our freedoms to be chipped away piece by piece before our eyes, that we do all we can to hold back those small, but insignificant, strokes of tyrannical erosion which can in time fell even the greatest of our institutions, the Declaration of Independence and the Constitution of the United States.

I am not the first to have these concerns. Those before me have said it more eloquently than I. James Madison recognized the importance of guarding our individual liberties with constant vigilance when he said: ''Since the general civilization of mankind, I believe there are more instances of the abridgment of freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.''

Ben Franklin was already quoted today. And Thomas Jefferson, cautioning us against relinquishing our inalienable rights to even a well-meaning government said: ''A freedom government is founded in jealousy, not confidence. It is jealousy and not confidence which prescribes limited constitutions to bind those we are obliged to trust with power. So in questions of political power, speak to me not of confidence in men, but bind them down from mischief with the chains of the Constitution.''

Mr. Chairman, this is the deepest root in our tree of liberty and that is the rights of individuals to be free to exercise under the fourth amendment and to be secure in their own homes and their own privacy. A vote for the people and not the government is a vote for this amendment.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Idaho, of which I am a co-sponsor.

The Fourth Amendment provides that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Fourth Amendment's protections against unreasonable searches and seizures are put into practice, in part, by the Federal Rules of Criminal Procedure. Rule 41 specifically requires the government to obtain a warrant before a search is conducted. It also requires that the government give notice to a person whose property was seized during a search, or from whose premises property was seized. And the Supreme Court has traditionally held that an officer must knock and announce his presence before serving a search warrant, absent exigent circumstances such as reasonable belief such notice would jeopardize life or limb, or result in destruction of evidence or escape of the person named in the warrant. Moreover, while delayed notice for searches of oral and wire communications are authorized by law under certain conditions, as a general rule, covert physical searches for physical evidence were not permitted prior to the PATRIOT Act.

The notice requirement enables the person whose property is to be searched to assert his or her Fourth Amendment rights by pointing out irregularities such as the police have the wrong address, or ensuring that only those areas specified are searched, if the area to be searched is a room in a house, that does not include the car in the garage.

The so called "sneak and peek" secret search warrant provision allows law enforcement to conduct a secret search on a person's

premises or computer without notice. If they get the wrong house or business and it happens to be yours, you may never know about it. Or if the search is conducted improperly, but nothing incriminating is found, you may never know about it. Sneak and peek warrants provide no sanction for failure to notify the subject of the search or for unlawful activity if nobody is aware of it and if no incriminating evidence is found. Law enforcement personnel will need to validate a search only when property is seized and then delayed notice must be given. Meanwhile, the notice can be weeks or even months after the fact. And in that time period, several searches may have been conducted without any results or continuing justification.

Moreover, this gives law enforcement officials access to someone's personal property and information without the person's knowledge. Law enforcement personnel can search through your drawers, go through your files including medical and financial records, read your diaries, and surf through computer websites you have visited, just to name a few invasive practices. The person conducting the search will have access to very private, very personal, information about you and your family, without your knowledge. And what if the government agent conducting the search happens to be your neighbor or someone you see at the store or at a PTA meeting? Without your knowledge, that person has continuing access to—and knows the most intimate of details about—your life. This level of privacy invasion is unjustifiable.

Preventing terrorism has become a more urgent and necessary goal of law enforcement since the 9/11 tragedies. Yet, we don't want to accomplish for the terrorists something they could not accomplish themselves—reducing the rights, freedoms, and protections our system provides us all. The Otter amendment finds a working middle-ground that will satisfy our country's need for heightened security while at the same time ensuring that our freedoms and protections remain intact. The amendment limits the reasons for sneak and peek warrants to three specific circumstances, when notice would cause either the life or physical safety of a person to be put in danger, flight from prosecution, or the destruction of evidence. It also includes a seven-day time limit for the delayed notice. This time limit creates a pattern of uniformity for those involved in law enforcement and is a reasonable period by which to inform the person subject to the warrant of the clandestine search. In the case where a court finds that notice of the warrant within the seven-day period will lead to one of the three enunciated circumstances, the amendment authorizes unlimited additional seven-day delays. This amendment encourages use of these warrants in appropriate circumstances, will prevent misuse of the practice, and ensures the protection of our civil liberties.

Encouraging the judiciary to issue sneak and peek warrants without offering any meaningful guidance on their use will end in disaster. This amendment is unequivocally American. It recognizes the need to protect our country and our selves. It gives meaning to Section 213 of the PATRIOT Act within the parameters of our democracy so that it can be an effective tool rather than a wasted provision.

Mr. Chairman, safeguarding the rights guaranteed to us by the Constitution is not a partisan issue. I ask my colleagues to join me in support of this essential legislation to protect the rights of all Americans.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I appreciate the gentleman's strong feelings and he makes a very powerful case, and I can see how passionate he is about it. I think this is one of those cases that ought to be done by the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER).

As a result of that, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law constituting legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

This amendment directly amends existing law. I ask for a ruling from the Chair. I am certain that this will be an issue that will be discussed quite deeply by the committee.

The CHAIRMAN. Does the gentleman from Idaho wish to be heard on the point of order?

Mr. OTTER. Mr. Chairman, I fully appreciate what the good chairman has said relative to my amendment and its being out of order.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 23 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. KING of Iowa:

At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

(b) The amount otherwise provided in this Act for ''DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' is hereby reduced by $1,000,000.

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Chairman, I offer this amendment today to enforce existing Federal law that prohibits localities from refusing to allow their officers to report aliens who commit crimes to the immigration authorities.

My amendment would provide funding for the Department of Justice to enforce section 642 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. Section 642 of the act forbids localities from preventing their police officers from reporting immigration information to the Federal Government. However, some cities and counties have continued to refuse to allow their officers to provide information to the Federal Government, and that is in violation of Federal law.

Without this information, the Federal immigration authorities cannot take steps to remove these criminal illegal aliens from American streets. Under these so-called ''sanctuary policies'' in certain cities and counties, the police cannot report the illegal aliens who commit crimes to the immigration authorities for deportation. As a result, taxpayers pay to incarcerate illegal alien prisoners who are later released back on to the street.

These sanctuary policies have disastrous consequence for future victims. Repeat offenses by criminal illegal aliens are preventable crimes. These offenders should have been removed from the United Nations as soon as their first crimes were discovered. Their prompt removal prevents future crimes. We can act to prevent crime by funding enforcement of section 462 by the Department of Justice.

The Subcommittee on Immigration, Border Security and Claims held an oversight hearing on the public safety consequences of local immigration sanctuary policies on February 27, 2003. But despite that February 2003 hearing, sanctuary policies remain in place with disastrous consequences. Less than 4 months after that hearing in June of 2003, a 9-year-old girl was dragged from her San Jose home in broad daylight and was kidnapped, tortured, and raped over 3 days before finally being released by her assailant.

According to press reports, the man arrested and charged with nine felony counts related to the terrifying abduction and sexual assault was an illegal alien who had already admitted a crime. Originally, the suspect was arraigned under the name Enrique Sosa Alvarez, but a fingerprint check identified him as David Montiel Cruz. Under the name Cruz, this man was previously convicted of auto theft. According to the San Jose Police Department's policy, section L7911 of the Line and Operations Procedure, officers may not ''initiate police action when the primary objective is directed towards discovering the alien status of a person.''

Because the officer who investigated the previous auto theft could not ask about Mr. Cruz's immigration status, his hands were tied and he could not verify with the Federal Government

whether Mr. Cruz was allowed in the United States. We will never know if this crime against this 9-year-old girl could have been prevented if Federal law were enforced.

My amendment would fund enforcement of section 642. This section does not require local authorities to report all immigration information they would uncover to the Federal immigration authorities, but rather it simply prohibits local authorities from having a blanket policy to refuse to communicate this information with the Federal Government.

This is essential because in the example I just spoke of, the accused kidnapper and rapist never should have been in this country in the first place. We must not allow illegal aliens whose presence was never reported to Federal immigration authorities due to illegal sanctuary policies to continue to commit brutal crimes. We must not provide sanctuary to criminals.

I look forward to working with the gentleman from Virginia (Mr. WOLF), and I appreciate his work on this entire bill and other Members to encourage the Department of Justice to enforce the Federal law which prohibits localities from having sanctuary policies.

I urge support for my amendment which funds enforcement of section 642.

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

□ 1400

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

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

I support what the gentleman is trying to do, but what agency would get the money?

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, the agency that this amendment transfers to is the Department of Justice.

Mr. WOLF. But this law is not enforced by the Department of Justice. This law is enforced by Department of Homeland Security.

I rise in opposition to the gentleman's amendment. The gentleman's amendment provides $1 million to enforce two sections of the Illegal Immigration Reform and Immigrant Responsibility Act. However, the amendment does not specify what agency would receive this funding.

Secondly, what agency would get this funding and be tasked with enforcing these immigration provisions? Enforcement of this section of the immigration law is the responsibility of the Department of Homeland Security. The Homeland Security Act specifically changed the responsibility from the Attorney General to the Department of Homeland Security. No agency funded in this bill has that responsibility. The gentleman should have done the amendment on the right bill as the other Members sought to do. So it just does not fit.

Now, I would say, and I have offered the gentleman a number of times and I will do it again, that I think either the gentleman is trying to get something out to get a vote to see what happens, or he is trying to get it done. I would rather get it done, and I know that it is a problem. That is a problem even in my region and other regions.

The way to do it is to bring the administration up, to bring the Justice Department up, bring the Department of Homeland Security up, and sit down and have them resolve the issue, and honey gets people more than a stick, and particularly this agency that the gentleman is amending the bill for the Justice Department is not the agency to enforce it.

I will be glad to set up the meetings and see what we can do to resolve this. Because of this reason, I oppose the amendment.

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

The CHAIRMAN. The gentleman from Iowa (Mr. KING) yielded back his time. Is the gentleman asking unanimous consent to reclaim his 30 seconds he yielded back?

Mr. KING of Iowa. I do.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from Iowa is recognized for 30 seconds.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I would just point out that the Attorney General enforces the laws of the United States, and enforcement of this section would be under the Department of Justice and Attorney General.

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

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

It almost gets tiresome to deal with the fact that this amendment keeps coming up every so often, and it just looks different, or it attempts to sound different, but it is the same amendment. And we have to understand that, but we need to explain it over and over again.

What these amendments try to do, and the King amendment is part of this approach, is to engage local law enforcement, local police departments, local sheriffs departments in enforcing immigration law. On its face that does not sound terrible, but in reality it is a major problem. That is the reason why just about every single local police department in the Nation has repeatedly stated that they do not want to take on the duties of enforcing immigration law.

Here is the problem. Whether you are here undocumented, or whether you are here legally awaiting citizenship or another status, and, in fact, I would venture to say if you are a citizen who looked at the immigration department as a group of folks who were not interested necessarily in helping you but making your life difficult, you do not feel comfortable dealing with immigration officials.

On the other hand, local police departments throughout this country have done a great job in letting immigrants, regardless of their status, know that they are here to help and they are here to work together with them. So what the local police departments have been able to accomplish above all is to gain the confidence of newly-arrived folks in this country so that when they see a crime, when they see someone committing a crime, they come forth, give information, participate and assist the police.

The reason local law enforcement does not want any of these amendments to pass or their involvement in enforcing immigration law, which would be the effect of this, is that they then would be seen by those immigrants as someone that cannot be trusted, someone they cannot deal with, and they will lose their ability to do what they do best, which is solve local crime and get the bad folks who create problems in our communities.

So, please, I would want everyone who looks at this series of amendments to pay attention to the fact that while it may look good on its face, the final result is local law enforcement officials being seen by the immigrant community as adversaries, as enemies in some cases. This is not what the police departments want to do. This is not what they should do, and this is not what we should ask them to do.

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

We are opposed to the amendment. I want to put in the RECORD that we will be glad to work with the gentleman and bring the Department of Homeland Security and the Department of Justice up and see if we can try to do what this amendment does not do, but we can really try to accomplish what they are trying to accomplish.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Representative King's amendment to the Commerce Justice, and State Appropriations Act for FY2005. This is an indirect attempt to further the objectives of the CLEAR Act (H.R. 2671) and its Senate counterpart (S. 1906). These bills would compel State and local police officers to become federal immigration agents by denying them access to Federal funds they are already receiving if they refuse to become immigration agents.

Subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1373, (IIRIA) prohibits Federal, State or local government officials from preventing or restricting any government entity from exchanging information with the Bureau of Immigration and Customs Enforcement (ICE) regarding the citizenship status or immigration status of any individual. The King amendment would provide additional funds for enforcing these provisions.

While these provisions just prohibit State and local governments from preventing this exchange of information, the ultimate objective, which is expressed in the CLEAR Act, is to require State and local police officers to assist ICE in enforcing the civil provisions of the Immigration and Nationality Act (INA). I oppose this objective.

In immigrant communities, it is particularly difficult for the police to establish the relationships that are the foundations for successful police work. Many immigrants come from countries in which people are afraid of police, who may be corrupt or even violent, and the prospect of being reported to the immigration service would be further reason for distrusting the police.

In some cities, criminals have exploited the fear that immigrant communities have of all law enforcement officials. For instance in Durham, North Carolina, thieves told their victims—in a community of migrant workers and new immigrants—that if they called the police they would be deported. Local police officers have found that people are being robbed multiple times and are not reporting the crimes because of such fear instilled by robbers. These immigrants are left vulnerable to crimes of all sorts, not just robbery.

Many communities find it difficult financially to support a police force with the personnel and equipment necessary to perform regular police work. Having State and local police forces report immigration status to ICE would be a misuse of these limited resources.

ICE also has limited resources. it does not have the resources it needs to deport dangerous criminal aliens, prevent persons from unlawfully entering or remaining in the United States, and enforce immigration laws in the interior of the country. Responding to every State and local police officer's report of someone who appears to be an illegal alien would prevent ICE from properly prioritizing its efforts.

Local police can and should report immigrants to the immigration service in some situations. The decision to contact the immigration service, however, should be a matter of police discretion.

I urge you to vote against this amendment.

Mr. SMITH of Texas. Mr. Chairman, I support the King Amendment, which would designate funds to enforce a section of the United States Code that has been law since 1996.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, prohibits states and localities from refusing to share information with the Federal government on the immigration status of individuals.

Some localities don't allow their officers to report the illegal status of criminal aliens to the Federal government. This is a direct violation of Federal law and hinders our efforts to remove criminal immigrants from the United States. It turns these localities into resorts for illegal immigrants.

The Federal government cannot do its job of deporting criminal aliens if law enforcement is not telling the Federal government who these individuals are. This results in a situation where criminal aliens are arrested, jailed, and then released into our communities where they commit more crimes.

When State and local law enforcement officers arrest someone for a crime, and it becomes apparent that the person is an illegal alien, this should be reported to the Federal government so the individual can be deported. To hide the illegal status of a criminal alien only means more crime.

This amendment does nothing to change existing immigration law. This amendment simply requires the Federal government to enforce current law.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on this question will be postponed.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan:

Page 72, line 17, after the dollar amount insert ''(reduced by $20,000,000)''.

The CHAIRMAN. All point of orders are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

This amendment is offered partially representing my concern that under the UC that was offered last night, this body would not allow the full amendment. However, under that UC this amendment is appropriate, according to the Parliamentarian.

My concern is that this body should express concern, if not outrage, about the actions of the United Nations in the Oil-for-Food program. It should be a heads-up, a reminder, that we cannot ask the United Nations to be responsible for so many things that affect our future.

The particular language of this amendment takes appropriations and dollars from United Nations contributions to international organizations line item. This appropriation is reduced by $20 million. I would call to my colleagues' attention that this appropriation is increased 19.4 percent over last year. Even with this amendment, there is still a 17.4 percent increase.

Recently, both my Committee on Agriculture and Committee on International Relations held hearings on the United Nations Oil-for-Food, the so-called OFF program, scandal. That program taught us a lot about the United Nations' weaknesses and I think explains the actions of countries like France and Russia when they worked against us over the last several years.

The U.N. placed trade sanctions on Iraq after Saddam Hussein invaded Kuwait in 1991. By 1995, the sanctions were widely blamed for the developing humanitarian crisis in Iraq.

The U.S. and Britain realized that Iraq, which has the second largest oil reserves in the world, could trade oil for food and medicine. We pushed the U.N. Security Council Resolution 986, and the so-called Oil-for-Food program was created. If effective, it would have reduced the humanitarian impact of the sanctions while preventing Hussein from buying weapons.

Unfortunately, Hussein cheated the OFF program, and the U.N. did not stop it. He managed to get his hands on at least $10 billion of Oil-for-Food money. Other countries were complicit in helping him cheat. France and Russia demanded that we let Hussein design the OFF, the Oil-for-Food, program. It allowed Hussein to pick the price for his oil, to pick his customers, to control the people who audited him, and within a few years the flawed program allowed Hussein to sell at low prices in exchange for kickbacks that were funneled into Swiss bank accounts.

This was suspected at the time, but it was impossible to fix. Fixing it would have required unanimous support from the permanent members of the Security Council, including France and Russia, and at the time these countries said that they wanted to end the sanctions completely. Of course, France and Russia and China all had oil contracts with Iraq and Hussein that would have been activated, resulting in huge benefits for those countries had the sanctions been removed.

I repeat, this funding for this appropriation that we are trying to reduce by $20 million is from a line item that is increased 19.4 percent over last year, and even with the $20 million reduction still results in a 17.4 percent increase.

The U.N. bureaucrats and what is happening in the U.N. should concern us. There is no question that the U.N. was slow to file reports and bring irregularities to the attention of the Security Council and its oversight committee.

Furthermore, Iraq paid its U.N. auditors. Iraq, Saddam Hussein, was paying the auditors that were supposed to audit them, and the more trading they allowed, the more money the U.N. got.

These arrangements have only come to light since Saddam Hussein's fall. There are reports that even the U.N.'s head of the Oil-for-Food program, Benon Sevan, was on the take from Hussein.

Mr. Chairman, let us not go through this bill of making these kinds of huge appropriations from the United States taxpayers to the U.N. without calling to attention these kinds of discrepancies. The U.S. and Britain have pushed for an audit to find out what happened.

Paul Volcker, a former Chairman of the Federal Reserve, is heading a U.N.

investigation. However, the U.N. is stonewalling. Mr. Sevan sent letters ordering U.N. offices to refuse to cooperate. I am going to say that again. This U.N. official sent letters ordering the U.N. offices to refuse to cooperate. Russia has asserted that it will not release any documents, and other U.N. bureaucrats have refused to share papers.

I have sponsored legislation that would cut U.S. support for the U.N. if it does not cooperate. I would hope that bill would at least come to this floor for debate.

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

The CHAIRMAN. The Chair would clarify that pursuant to the order of yesterday, this amendment is debatable for 10 minutes by the gentleman from Michigan (Mr. SMITH) and 10 minutes by an opponent.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

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

I rise in strong opposition to the amendment. I want to congratulate the gentleman from Michigan (Mr. SMITH) for his persistence. He should get an ''A'' for that, if not for the content.

I called Volcker after this happened, and I have the same concern. I want to bring to the gentleman's attention, and the gentleman from Michigan (Mr. SMITH) might get a copy of the report, page 107. Here is what we said.

''The Committee directs the Department to bring all necessary resources to bear on the investigation of fraud and bribery allegations regarding the United Nations Oil-for-Food program. The Committee expects the Department to provide all requested documentation to Congressional Committees, and to provide any requested support to the Secretary General's Independent Inquiry Committee. The Committee strongly supports this Inquiry and expects the Inquiry Committee's review to be thorough, rigorous and expeditious.''

Secondly, the gentleman from Connecticut (Mr. SHAYS), who has really done a good job, has been holding hearings.

I called Director Mueller, the Director of the FBI, and asked him would he give the best FBI agents that he has to be on the team with Volcker. He has agreed. He said he would get some of his best white-collar crime people. Mr. Volcker then called me and thanked me for that and is moving ahead, and he said when we need your help, we will ask you for that help.

We also are going to get FinCEN, the financial service center of the Department of the Treasury, to also be involved. We have also asked the Secret Service that does money laundering to be involved.

The gentleman from Michigan (Mr. SMITH) is right, this ought to be condemned, and if the U.N. does not participate, if Volcker says he is not getting the cooperation, the only criticism of the Smith amendment is it will not do enough. It should not do $20 million; that is wimpy.

□ 1415

It should do $50 million, $60 million. It will be a wimpy amendment if they do not cooperate. Volcker has said he wants to pursue this, and he believes he is making progress. And the FBI and FinCEN and Secret Service will be involved.

Now, let me tell my colleagues what the Smith amendment does. It has nothing to do with that. It has nothing to do with that. It would cut money from the Food and Agricultural Organization. The Food and Agricultural Organization, where our former colleague, and my very best friend, Congressman Tony Hall, is running it and doing a lot to abolish hunger in the world, and talking about GMA and things that the gentleman is interested in, would be cut. That program would be cut.

The World Food Program. Jim Morris, an American, running the World Food Program, one of the people who are trying to bring food to Sudan and to Darfur, where there is a genocide, perhaps, going on. That organization would be involved.

Also, this amendment would impact on the International Atomic Energy Agency, whereby we are trying to make sure that Iran does not have nuclear weapons and is trying to deal with the issue of North Korea. Why would we want to go after them?

Lastly, NATO. This would cut all the international organizations. Why would we, when NATO is in Afghanistan and we are trying to get NATO to participate, as I believe they should in Iraq, and quite frankly I am disappointed that the Germans and French have not participated with us, why would we do this at this time?

Now, I think in fairness, that is not the intention of the gentleman from Michigan (Mr. SMITH). I think the gentleman is trying to make a point, but the point is a very blunt point. And to cut FAO, to cut the Atomic Energy Agency, to go after NATO, and to deal with the World Food Program and the FAO, which is trying to bring an end to the famine and the hunger in Eritrea, Ethiopia, and particularly in Darfur would be a mistake.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Well, Mr. Chairman, let me just say that this is cut from one of the largest expenditures in the United Nations appropriations, that is, to the contributions to international organizations. I think the American taxpayer in general is not willing to increase this account by 19.4 percent at a time that the gentleman from Virginia admits that the U.N. is doing something that is unconscionable and that should not be acceptable.

When we have other countries that are complicit, apparently, in this graft-type program of oil for food, along with what appears to be a reluctance of the United Nations to cooperate, we need a signal. I would hope this $20 million would be spent for science and research, because I chair the Subcommittee on Research.

Mr. WOLF. Reclaiming my time, it is not. And I do not think the gentleman would want to do anything that would hurt Volcker with regard to the efforts. I would rather have the FBI and the Secret Service and the Financial Center there.

Also, when the gentleman says independent agencies, that is also the World Food Program. That is also the issue with regard to the SARS outbreak in China. We do not want SARS to come here to the United States. And NATO.

So for all those reasons, and God bless the gentleman from Michigan (Mr. SMITH), I give him an A for the intention and effort to pursue this, and I hope we see his son here next year taking his place, but this amendment that he meant to do does not do what he meant to do. I think it would do a lot of harm; and due to that, I oppose the amendment.

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

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

One of the reasons I did not ask the chairman for time and took my own time is I did not want to say anything the chairman did not agree with on his time. But I would imagine that the sponsor of this amendment has not voted against expenditures for the war, and yet he is concerned about expenditures for international organizations, my point being that this is probably the worst time in our history to withdraw from international organizations.

We are, and I am one of those who believes that we were wrong in invading Iraq; I am one of those who believes that we were misled on every issue, including weapons of mass destruction and to go into this war. But whether we were misled or not and whether one agrees with me or not, the end result is the same. We are rebuilding the country; and an incredible amount of money, paid for by the taxpayers, is going into Iraq.

And especially at a time now when so many people in that region and throughout the world have lost respect for us, this is not the time to withdraw from international organizations. On the contrary, this is the time when we should take some of that money we are spending on rebuilding in Iraq, some of that money we are spending on that war and use it to join still more organizations.

Why? Because, unlike the war, and unlike the invasion, these organizations give us an opportunity to look as

the people we are, a good, caring Nation that cares about the rest of the people in the world and wants to help; not one that invades people on false assumptions and premises.

So I would say to the gentleman that his concern about taxpayer dollars being spent here, right now this is probably one of the better areas to spend taxpayer dollars, and not in the areas we are spending them right now. I would really wish that the gentleman would reconsider this amendment, because this amendment, unfortunately, may get some people's excitement up and foolishly support it in a way that would hurt our involvement.

Even President Bush, lately, has been quoted as saying that he is supportive of the work the U.N. is doing and the kinds of things that have to be done.

Lastly, the gentleman is still, as some Members are, upset at the fact that the Germans and the Russians and the French did not agree with us on this particular invasion. Well, we do not agree with them on a lot of things and that does not mean we drop out of dealing with them on a daily basis and working with them to make a better world for all of us.

So I would hope the gentleman would reconsider this. If not, then I would hope that people vote ''no'' on this amendment.

Mr. SMITH of Michigan. May I ask how much time I have remaining, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan has 4 minutes remaining.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

I would ask the ranking member if he does not object to the fact that the United Nations took $400 million of what was intended to be money to pay for inspections at a time when they were not having inspections.

I would ask the ranking member if he is not concerned with a report from the Wall Street Journal that the U.N. took $100 million from the Oil-For-Food Program and used it for operations.

I would be concerned whether the ranking member or any Republican or any Democrat is not concerned with the fact that a United Nations employee who was handling the Oil-For-Food Program, Mr. Sevan, has now written letters, according to Mr. Volcker's staff, suggesting that the information not be released regarding this program.

It is obvious there has been some misuse of money. I would like to suggest that the real story here is that many countries make decisions based on what is good for their country as representatives to the United Nations with no regard for the goals and ideals of the U.N. charter. Certainly this calls the Security Council's moral authority into question and degrades its capacity to respond appropriately to events throughout the world.

Is it any wonder that under pressure from these countries the U.N. could not agree to support us in Iraq? Is it any wonder that at the first threat of danger the U.N. pulled out of Iraq?

It seems to me, Mr. Chairman, that we need to carry out a full and thorough investigation and make changes if the U.S. is to continue with some degree of confidence. And we need to send this signal of this reduction with this kind of testimony regarding a $20 million reduction for the U.N. I think this action sends the beginning of a message that our country and the taxpayers of this country will not stand for this kind of abuse.

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

Mr. WOLF. How much time do I have left, Mr. Chairman?

The CHAIRMAN. The gentleman from Virginia has 4½ minutes remaining.

Mr. WOLF. And then I can strike the last word?

The CHAIRMAN. Plus the gentleman has the pro forma motion.

Mr. WOLF. I thank the Chair. I wanted to be sure there was time for the gentleman from Connecticut (Mr. SHAYS) to speak.

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

Mr. Chairman, if all the things have been done that the gentleman from Michigan (Mr. SMITH) thinks have been done, and I think they may have, the Smith amendment is a power puff amendment. It is too weak. We will follow this carefully. If they have done it, then I think it should be more drastic.

I would call to the attention of the gentleman from Michigan page 26 of the report. It says: ''Oil-For-Food: The committee directs the FBI to provide assistance in the United Nations' investigation of the Oil-For-Food Program, if requested by the recently established independent inquiry committee chaired by Paul Volcker. The committee strongly supports this investigation and encourages the FBI to make resources available as appropriate to assure its successful conclusion.''

So I think what the gentleman from Michigan is saying is accurate; and we will be very, very aggressive, but we called Mr. Volcker. I personally called the director of the FBI. He personally gave me a commitment to put his very best agents on this.

Having said that, I think the gentleman's language would be better if it had been conditional, saying that if there is not cooperation by the Russians and by others, then this will be the case. But I do not want to do anything to keep Volcker from getting to the bottom of this.

There are probably people involved in this that may very well go to jail, and I want to see the Secret Service, the Financial Service, and the FBI deal with this. So the amendment does not deal with that; it cuts, potentially, contributions to NATO or something like that.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Connecticut.

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

Mr. SHAYS. Mr. Chairman, I appreciate the gentleman yielding to me. I will place my full statement in the RECORD and just make a few other points.

First off, this is a huge scandal. I do not know any scandal that comes close to it. We are talking about a $5.7 billion smuggling of oil, a $4.4 billion underselling of oil and getting kickbacks, and overbuying for commodities and getting kickbacks. We are talking about the outing of U.N. and government officials around the world by, ironically, an Iraqi free press, exposed by a government leak of the Iraqi Governing Council.

This is huge. And I submit to my colleagues that the French and the Russians and the Chinese and U.N. officials never thought it would be known, because they knew they had their records and they would keep them. They would never share them with anyone, and we certainly would not get the records from Iraq because we would never attack Iraq and never free the Iraqi people. I guess that is what people thought.

The problem with this amendment is it is misguided, in the sense that we need the cooperation of the U.N. right now. If we do not get it, and if the gentleman from Michigan (Mr. SMITH) is still here, we should pursue that. But when he asks is anyone concerned, I know the ranking member is concerned. I clearly know the chairman is because he came to me and told me that in conversations with Mr. Volcker he promised him that we would provide all the cooperation and provide him the best resources available. So I appreciate what the gentleman from Virginia (Mr. WOLF) has done.

Are we concerned? Absolutely. We have the Committee on Government Reform and my Subcommittee on National Security, Emerging Threats and International Relations, conducting investigations. We have staff dedicated to looking at this. I think we have the Committee on Agriculture looking at this. We have the Committee on International Relations looking at this. We will get to the bottom of the corrupt Oil-For-Food Program with or without U.N. support.

When we do, I do think people will be going to jail. I think it will be extraordinarily embarrassing for some governments. I think it might explain somehow why the French act like the French, and why the Chinese and the Russians were reluctant to confront the Saddam regime. I think it is going to tell us a lot of things about corrupt people, corrupt actions, and the motivations of government. But right now we need as much cooperation as we can get from the U.N.

I would request, frankly, Mr. Chairman, that the gentleman withdraw his

amendment and not require folks to vote for or against it, because I think the concern of the Members will be shown of the next few months. But I appreciate the opportunity the gentleman has given us to debate this issue.

Mr. Chairman, while I appreciate and share the gentleman from Michigan's concern about the Oil-For-Food scandal, I rise in opposition to this amendment.

Getting to the bottom of this scandal is the reason my Subcommittee on National Security, Emerging Threats, and International Relations convened a hearing on April 21; we want to help pierce the veil of secrecy that still shrouds the largest humanitarian aid effort in history.

This much we know about the Oil-for-Food Program; Something went wrong. The Hussein regime reaped an estimated $10.1 billion from this program: $5.7 in smuggled oil and $4.4 in oil surcharges and kickbacks on humanitarian purchases through the Oil-For-Food Program. There is no innocent explanation for this.

We want the State Department, the intelligence community, and the U.N. to know there has to be a full accounting of all Oil-For-Food transactions, even if that unaccustomed degree of transparency embarrasses some members of the Security Council.

The purpose of our investigation, beyond returning to the Iraqi people that which was stolen from them, should be to improve the United Nations, not to create an excuse to withdraw our support from the body.

In Iraq, and elsewhere, the world needs an impeccably clean, transparent U.N. The dominant instrument of multilateral diplomacy should embody our highest principles and aspirations, not systematically sink to the lowest common denominator of political profiteering.

This emerging scandal is a huge black mark against the United Nations and only a prompt and thorough accounting, including punishment for any found culpable, will restore U.N. credibility and integrity.

That is why it is critical to get to the bottom of the corruption.

In the early 1990s, because of concerns about United Nations operations and the lack of reforms by that body, the United States began withholding its payments to the U.N. and fell into arrears. We subsequently debated this issue for years, and, in November 1999, Congress and the administration finally agreed on a plan to repay our longstanding debt to the U.N. in exchange for significant reforms by the world body.

Mr. Chairman, as the U.N.'s single largest contributor, the United States is granted unparalleled power to craft the U.N.'s agenda and budget. Our financial leadership truly gives us the ability to shape world events.

Countries all over the world are looking to the United States for leadership, yet if this amendment were to pass, what they would see is a very powerful and wealthy country refusing to live up to its international commitments. Why, as a nation, would we want to unnecessarily complicate our diplomatic efforts at a time when we need every ounce of leverage?

While we must continue examining its operations and recommending operational improvements, the United Nations deserves U.S. support as it continues to combat terrorism, promote economic growth and assist countries in moving toward democracy.

I urge opposition to this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

I would just like to ask the previous speaker, the gentleman from Connecticut (Mr. SHAYS), if he agrees with a 19.4 percent increase in this appropriation line item.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Connecticut.

Mr. SHAYS. Absolutely I do. Because the U.N. needs these resources for a lot of reasons and the nongovernment organizations that are involved in trying to help create some peace in Iraq, et cetera, et cetera, et cetera. I do not think it is advisable, though, to subtract this money.

Mr. SMITH of Michigan. Reclaiming my time, Mr. Chairman, I do not think a 19.4 percent increase is justified at a time when the United Nations has instructed its people to withhold information from the Volcker Commission.

I do not think it is justified; and I would say to the chairman, if there was unanimous consent from him and the ranking member, and if there is no objection and it would be appropriate, I would be delighted to amend this amendment to say that this $20 million would be withheld on condition of full cooperation by other countries and by the United Nations.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Virginia.

□ 1430

Mr. WOLF. I would have no objection to that at all.

Mr. SMITH of Michigan. Would you support the amendment with that language?

Mr. WOLF. If it would say what again?

Mr. SMITH of Michigan. If it says that the $20 million is going to be withheld unless and until there is full cooperation by the United Nations and participating countries releasing available information on the Oil-for-Food program?

Mr. WOLF. Absolutely I would support it, and perhaps it maybe ought to be changed from 20- to 40-, but yes, I would support it.

Mr. SMITH of Michigan. Mr. Chairman, I would be glad to change that, too. If there is no objection, I would make that amendment. I would ask for unanimous consent.

I understand that it has to be in writing. Is that correct, Mr. Chairman?

The CHAIRMAN. If the gentleman would withdraw his amendment, he could redraft his amendment so that it is clear, then without prejudice it could be considered, without objection.

Mr. SMITH of Michigan. Mr. Chairman, I withdraw it, with the understanding that I could redraft it and bring it to the desk.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan that the amendment be withdrawn without prejudice?

There was no objection.

AMENDMENT NO. 25 OFFERED BY MR. SHERMAN

Mr. SHERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. SHERMAN:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to detain for more than 30 days a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 802. None of the funds made available in this Act may be used to defend in court the detention for more than 30 days of a person, apprehended on United States territory, solely because that person is classified as an enemy combatant.

SEC. 803. None of the funds made available in this Act may be used to classify any person as an enemy combatant if that person is apprehended on United States territory.

The CHAIRMAN. All points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 10 minutes.

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

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

Mr. SHERMAN. Mr. Chairman, I yield myself 5 minutes.

As I indicated, I have two amendments that I would hope that those who wish to speak on either of them would be on the way to this floor.

My first amendment deals with the enemy combatant doctrine, and what the bill does is that it provides that none of the funds in this act can be used to detain for more than 30 days anyone apprehended on U.S. territory solely because that person is identified as an enemy combatant. That is to say, detention of over 30 days of anyone apprehended in the United States would be done under our regular criminal law.

Now, first let us talk about what this amendment is not. This amendment does not try to protect our privacy. There will be incursions into our privacy in this war on terror, but it is one thing to say the government may know something about what we are doing or reading. It is another thing to say that the executive branch alone can incarcerate any of us permanently, and that is the wrong that this amendment addresses.

Second, this amendment is not about those apprehended on foreign battlefields or on any foreign territory. It addresses only those apprehended on U.S. territory.

Third, this amendment does not authorize any Federal agency to do anything. It is a limitation amendment,

and so by its terms, it prevents the use of funds to detain someone for over 30 days. That does not authorize anyone to detain someone for 29 days. This is an additional limitation on the expenditure of funds.

Now, the enemy combatant doctrine is the most dangerous doctrine propounded by anyone in this country. What does our criminal law do, and how does it work? First, Congress defines what is a crime. Then the judicial branch determines whether facts have occurred so that the defendant is guilty of that crime.

What is the enemy combatant doctrine? The administration vaguely defines what might be the crime, and that is subject to change any time they want, and the administration, whoever that might be, determines whether facts have occurred that cause someone to have committed that crime or that wrong.

So is someone an enemy combatant if they plant a bomb? Are they an enemy combatant if they applaud a bomb planter? Are they an enemy combatant if they defend someone who applauds planting a bomb? We do not know, but we do know that if you are classified as an enemy combatant, you can be incarcerated immediately, permanently, or at least until the end of the war on terror, which I would say means the same as permanently.

Now, is someone a bomb planter, or is it a case of mistaken identity? Under the enemy combatant doctrine, the courts do not determine whether a particular individual planted a bomb. The executive branch determines, locks the person up permanently or for as long as they think that person is dangerous, no matter how mistaken they might be.

Now, the courts have not solved this problem. We do have a recent court opinion, actually three of them, but in dealing with this issue, we have not a majority opinion, but a plurality opinion. So the court has not spoken with the majority. And on the key issues involved that I am speaking about, they remanded the case to a lower court.

It is time now for Congress to do all it can to reign in this doctrine of enemy combatants. To do otherwise, to be silent, as we have been for over a year, is to acquiesce in a new doctrine of criminal law where the executive can arrest anyone, after that arrest determine what it is that makes up the definition of enemy combatant, and then decide what facts have occurred, subject to no judicial review, as to whether that person has, in fact, violated those wrongs as previously determined by the administration. This is indeed a dangerous doctrine.

Today I do not know whether it is being misused, but if we do not act, I assure you it will be misused in the future. Someone will be erroneously accused of bomb-making by some local enemy of theirs. The executive will have detained that person for as long as they think they are dangerous and for as long as the war on terrorism continues. That could be for a long time.

Tomorrow those who simply loudly protest the war on terrorism will be called enemy combatants.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, let me say one does not have to go too far with this amendment before finding a very strong point for defeating the amendment and objecting to it. Quoting section 802, it states that none of the funds made available in this act may be used to defend in court. So the U.S. cannot even send in people to defend in court the detention for more than 30 days of a person apprehended on United States territory solely because that person is classified as an enemy combatant.

Very simply, we have people who have been in Guantanamo, in fact who have been released from Guantanamo, who have been proven to have gone back to the battlefield and taken up arms against the United States.

If the Sherman amendment passed, if we caught Osama bin Laden in the U.S. tomorrow, the Department of Justice would not be able to legally defend his detention as an enemy combatant. That makes absolutely no sense.

It states further that none of the funds made available in this act may be used to classify any person as an enemy combatant if that person is apprehended on United States territory. We could have somebody driving a hijacked airplane and clearly in an act of aggression against the United States, and none of the funds available in this act, even if that person intended and was attempting to drive that airplane into a U.S. building, killing Americans, none of the funds in this act could be used to classify that person as an enemy combatant.

So interestingly, the Supreme Court cases that have held on this subject have said at least the combatant is entitled to some type of a hearing to determine whether, in fact, he is a combatant and whether he is being held legally. Well, a hearing requires that there are attorneys present and that there are advocates for and against the position. If we take section 208 of the Sherman amendment, we cannot spend any of this money to have the lawyer representing the United States of America to make his point that that person is a combatant and that we cannot hold him for longer than 30 days.

I would simply ask Members to vote against this amendment on this basis: It makes absolutely no sense. It in no way represents or reflects determinations made in the relevant court cases with respect to enemy combatants, detainees at Guantanamo or any other place.

Mr. SHERMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, what we use to protect American citizens is our criminal law. If bin Laden arrives in the United States, he has already been indicted. If someone smashes an airplane into a building, I suggest they be arrested for murder. What defends us from terrorists; how do we deal with mass murderers? We arrest them.

Why do we need instead to use this new doctrine of enemy combatant? To say that our only choice is to abdicate to the executive branch determining who has committed a wrong and what wrongs justify incarceration, or we have to incarcerate no one ignores the criminal law as we know it.

Yes, those who commit crimes should be arrested and detained, not under the doctrine of enemy combatancy, but under the doctrine of criminal law.

Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, while I was watching the spectacular fireworks July 4 over the Washington Monument, I was reminded that our Revolution and experiment in freedom and liberty is still going on. We are still faced with struggles to protect our basic freedoms. We are still faced with the need to occasionally rein in unchecked authority of the executive branch of government.

We still need to stand up for the proposition that no Chief Executive should be able to throw into a dark, deep cell an American citizen without eventually affording that citizen a trial. That is a basic American proposition.

We still believe that reviewing an incarceration decision by the judicial system is the best way to ensure both security and liberty. And make no mistake, we face real threats to our physical safety, and those miscreants ought to be punished to the full extent of the law.

But we have always founded our democracy on the proposition that detention ultimately must be subject to a hearing and a review, and we should not abandon that principle now out of fear. In the words of Supreme Court Justice Stevens, we ''have created a unique and unprecedented threat to the freedom of every American citizen,'' and that ''unconstrained executive detention for the purpose of investigating and preventing subversive activity is the hallmark of the Star Chamber.''

Freedom is not free. It demands us to stand up against threats to freedom. It calls for us to speak against unchecked executive authority, just like what was done in 1776. And while I disagree with the gentleman from California (Mr. SHERMAN), I am against the right of any President to throw someone in a dark cell and never give him a trial.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, this amendment, while I believe misguided, is nonetheless a very important amendment because it changes the parameters, or at least it seeks to change the parameters, of the definition of enemy combatant.

□ 1445

It seeks to force in this case the United States to treat enemy combatants as criminals rather than as enemy combatants, and it fails to recognize, therefore, one very significant change that has taken place, something that is very different about this war that then existed in any war in modern history, and that is that there is no doubt that the attacks of September 11 constituted acts of war, and, therefore, by definition the United States territory, the 50 States and our territories, are part of the battlefield.

The gentleman from California's (Mr. SHERMAN) amendment does not seek to curb the definition of enemy combatant as it applies to Guantanamo or as it applies to Iran or Afghanistan, just the United States. So the gentleman makes a difference between the part of the battlefield that is offshore and the part of the battlefield that is onshore in this case. And I think that goes to create a mistake, because it places 30-day limits on the detention of an enemy combatant by the Department of Justice. What that means is that if the FBI apprehends an enemy combatant in the process of trying to carry out an act of terrorism in the United States, and he is charged by the Department of Justice and imprisoned, he can only be held for 30 days, and that seems to me to go in the wrong direction. It means that if Mohammad Atta were picked up and identified as an enemy combatant, that he would have to be released in 30 days.

The Sherman amendment kind of reminds me of when I chaired the Subcommittee on Fisheries Conservation, Wildlife and Oceans for 6 years, and it sounds like what the gentleman from California (Mr. SHERMAN) really wants to do is he wants the war on terror to be run like a catch-and-release fish tournament, and that obviously is something that we do not want to see done here.

So I urge my colleagues on both sides of the aisle to oppose this well-intended amendment, but which takes us in exactly the opposite direction we should be going.

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

The gentleman assumes that we have no criminal law. He suggests that if a bomber is caught red-handed, we cannot charge him with being a bomber. We cannot arrest him. We cannot indict him. We cannot try him. We either have to release him, or we have to have this new doctrine of enemy combatants. I suggest if we catch a bomber, we arrest him. He suggests a doctrine in which anyone could be called an enemy combatant for doing whatever the administration thinks is harmful to the United States and incarcerated forever, and that the only alternative is to release all terrorists to swim amongst us.

What a preposterous alternative. What an attempt to put in the hands of the executive branch the right to arrest anyone and permanently detain them and to say that the only alternative is to release Mohammad Atta.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, in most of our wars, we have done things that have trampled civil liberties in the name of national security. Invariably we end up apologizing for it later when historians say that the internment of the Japanese Americans in World War II or the Alien and Sedition Acts of 1798 or whatever did not, in fact, aid national security. We are doing it again.

The Supreme Court 1½ weeks ago made very clear that we cannot simply hold people indefinitely by labeling them an enemy combatant. They gave a broad hint that when the Padilla case comes up, they will tell us that this amendment is mild, and that the power the President claims to throw anybody in jail in the United States because the gentleman from New Jersey (Mr. SAXTON) says that the United States is a battlefield and hold them there indefinitely simply on their own say-so with no due process, this is a power that nobody has claimed since before the Magna Carta. Habeas corpus was invented to say that the President is a President; even a king is not a dictator.

Let me finally say that this amendment is necessary to say that we will fight this war against the terrorists, but we will fight it as Americans in the tradition of liberty.

The CHAIRMAN. The time of the gentleman from California (Mr. SHERMAN) has expired.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that each side be given an additional 15 seconds.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Chairman, I yield 15 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I will quote from Sir Thomas More in the play ''A Man for all Seasons,'' because we are told we must eliminate our traditions of liberty to get at the terrorists. Sir Thomas More was asked: ''So now you'd give the Devil benefit of law?

And More said: ''Yes. What would you do? Cut a great road through the law to get after the devil?''

''I'd cut down every law in England to do that.''

And Sir Thomas More finally said: ''Oh? And when the last law was down and the Devil turned round on you, where would you hide, the laws all being flat? This country's planted thick with laws from coast to coast, and if you cut them down, do you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.''

And that is why this amendment must pass.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time.

This amendment raises serious constitutional issues which we should not deal with on this appropriations bill. This amendment has no limitations as to applying only to U.S. citizens or only applying to the global war on terrorism. It applies to any situation where the U.S. may be in conflict, and it would apply to anyone, not only U.S. citizens.

Under the proposed amendment, the President would not be able to detain anyone who is in this country on a mission for al Qaeda or any organization or country that had chosen to attack the United States. He would not be able to detain that person for more than 30 days as an enemy combatant. Instead, he would have to release the citizen or that person or prosecute him criminally. That change in the law would deprive the Commander in Chief of one of the traditional tools used in warfare and one that is particularly critical in the struggle with a secretive enemy like the current war on terrorism, like al Qaeda, because of the extent to which the United States must rely on intelligence sources to ferret out al Qaeda plots.

The reason that the executive may need the ability to detain a citizen as an enemy combatant is that proving a criminal case in court will often require compromising critical intelligence sources. As the Deputy Attorney General recently explained in discussing the Jose Padilla case, the one and only case of an American citizen seized as an enemy combatant in the United States, ''Had we tried to make a case against Jose Padilla through our criminal justice system,'' it would have ''jeopardized intelligence sources.'' And to be very clear, in this war jeopardizing the intelligence sources means putting American lives at risk. It is to avoid that very real threat to continued success of the war effort that criminal prosecutions may not always be a practical possibility for dealing with enemy combatants.

This amendment, although well intentioned, and though perhaps raising some issues that need to be discussed, they should be discussed going through the committee process and should not be hastily put onto an appropriations bill as an amendment without going through a full debate.

I urge my colleagues to be opposed to this amendment because of the severe limitations it will place on the executive branch, it will place on our ability to conduct not only a global war on terrorism, but any enemy combatants in the future.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. BUYER), who serves on the Committee on Armed Services.

Mr. BUYER. Mr. Chairman, I think this is an area we have to be pretty careful about. This is a very serious question, and, in fact, it raises grave constitutional questions that are unsettled, the principles of separation of power.

But with that aside, it also gets kind of confusing. So let us go back to not only our own Constitution, but also the Geneva Conventions. The Geneva Conventions under Article 5 say if one captures an individual and they know who they are, then they are automatically by the capturing power given POW status. If there is any doubt with regard to their status, under the Geneva Conventions, the capturing power then is to conduct what are called Article 5 tribunals.

What has happened here is when there is no doubt of the status of the individual, the executive branch has made the decision, then obviously they are not a POW; so they are not afforded the protections of the Geneva Conventions. And if they are not afforded in a tribunal Article 5 because their status is not in doubt, there is a term of art that has been used. They are called an enemy combatant, but they also can be called security detainees, unprivileged belligerents, unlawful combatants.

This is a very dangerous area what this amendment tries to do. It tries to dance into the area of the executive branch and say we cannot classify individuals as to these types of things.

Mr. Chairman, we are in a very unsettled part of the law. I have made a couple of notes with regard to the speakers who spoke before me who said that we need to rein in the doctrine. That is false because this is a doctrine that has been used very sparingly. In the 3 years for which we have had the war on terrorism, there is only one United States citizen that has been classified as an enemy combatant and has been detained, and if we were to only use the ''criminal process,'' what we then do is jeopardize our intelligence. And we are operating a war predominantly in the dark world. It is an intelligence war against a secret enemy, and for us to jeopardize that by going to the public domain is foolish on our part.

Doing this on an appropriations bill, number one, using the word ''foolish,'' that is foolish. We should not be doing that. The gentleman would like to entertain greater discussions on this. Let us take it through the authorizing committees, and let us, in fact, do that.

The other said that it is unchecked executive authority. That is false. It is not unchecked because we have the checks and balances, and that is why this case was taken to the Supreme Court.

I also would like to note that there is nothing, nothing, in current law requires resorting solely to criminal prosecutions. In the recent Hamdi decision, the United States Supreme Court did not directly address the Padilla scenario, but a majority of the Justices clearly agreed that ''there is no bar to this Nation's holding one of its own citizens as an enemy combatant.''

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) has 15 seconds remaining.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. COX), chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Chairman, we are playing a dangerous game here. If the gentleman from California (Mr. SHERMAN) had written an amendment that dealt with how U.S. citizens are treated, whether they can be found to be enemy combatants and detained, we might have had an interesting discussion. There has been, for example, discussion of the Jose Padilla case during this debate. But that is not the amendment that he wrote.

The amendment that he wrote does not even apply strictly to terrorism. It applies to conventional warfare. So that if Adolph Hitler's Panzer Division were to land here in America, every single one of the Nazi troops would have to be sent through the judicial system. We could not deal with them as an enemy force. If Kim Jong-il sends his million-man army to land on America's shores, if they were to arrive in amphibious vehicles and roll tanks through our streets, every single one of those millions would have to be treated as a litigant in court under this amendment.

We have never done this before. Least of all should we be doing this in an appropriations bill. These sorts of novel concepts that strip the Commander in Chief of his authority to conduct war for the United States of America that I would say that go so far as to completely upend the legal right of the United States to defend itself should not be written on the back of an envelope and attached as authorizing language essentially in an appropriations bill.

Here is what the amendment says. It is a very short amendment. It says that we cannot use any of the funds available in this act to detain for more than 30 days a person apprehended on U.S. territory even if that person is an enemy combatant.

□ 1500

So we are not talking about people who might or might not be enemies of the United States. We are talking about people from foreign soil, not U.S. citizens, whether they be generals or troops, armies, coming over here. These people must be handled through the judicial legal system.

This is an outrageous interference with the ability of the United States to defend itself. It is very dangerous. I strongly urge my colleagues to defeat it.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I would like to follow up on what the gentleman from California said about this very simple amendment, and it is a very simple amendment. It simply says that if Mohamad Atta, you remember him, the leader of the 19 hijackers, if Mohamad Atta had been caught in this country prior to 9/11, this act would prohibit him from being classified as an enemy combatant. It would prohibit the funds to hold him for more than 30 days; it would prohibit the Justice Department from using any money to designate him as an enemy combatant.

If a terrorist in Iraq blows up a car bomb and it kills 50 people, he can be held an unlimited amount of time. If he is in the United States, this says if he is in the United States, whether he is a citizen or not, he cannot be held for over 30 days, and this says no funds may be used to classify any person as an enemy combatant.

Mr. Chairman, we are in a war; and there are people in this country who are against us, and they need to be designated as such.

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

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise in strong opposition to this amendment. To drop this on this committee a day before it is brought up, I do not care what side you are on, it just should not be done that way.

How would this amendment treat Osama bin Laden? How would it treat Mohamad Atta? How would it treat people like that?

This amendment should be certainly covered by extensive hearings by the Committee on the Judiciary and also the Committee on Armed Services, but not language that we got yesterday with no opportunity to look at the impact.

Would this language result in the release of a terrorist? Should we look at and fully explore the ramifications and the consequences? Could the result of this be the release of a terrorist within the United States to commit further terrorist acts?

The amendment would prevent an enemy combatant from being detained, would prevent Osama bin Laden, let us not say enemy combatant, would prevent Osama bin Laden from being detained for more than 30 days. What is the rationale for only being able to detain Osama bin Laden for 30 days? Should it be 45 days?

A bad amendment, late, not the approach. I urge a ''no'' vote.

Mrs. MALONEY. Mr. Chairman, I rise today in support of the Sherman amendment that would limit the use of the enemy combatant doctrine to detain persons indefinitely.

While this amendment would only apply to those apprehended on U.S. soil, the government has detained American citizens, individuals whose rights are without a doubt protected by the U.S. Constitution, without charging them or allowing their case to be brought before our judicial system. This is simply wrong.

How can we expect the rest of the world to respect our way of life if we do not even adhere to the principles we claim to hold dear?

How can we expect our own constituents to believe in the protection of their rights if the rights of others are trampled on?

The Supreme Court recently determined that foreign citizens detained at Guantánamo Bay and American citizens detained in military brigs are entitled to their day in court.

Clearly, it's time that this Administration begin to respect the rights of the people it claims are criminals. The Fifth Amendment of the Constitution provides for due process of law, and it's time we remembered that.

I thank my friend Representative SHERMAN for offering this amendment today, and I urge my colleagues to support his amendment.

Mr. WOLF. 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. SHERMAN).

The amendment was rejected.

VACATING WITHDRAWAL OF SMITH OF MICHIGAN AMENDMENT

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the proceedings by which the Smith amendment was withdrawn without prejudice be vacated, to the end that the Chair now put the question thereon.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. SMITH of Michigan. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. Does the gentleman wish to speak on his reservation?

Mr. SMITH of Michigan. I do, Mr. Chairman, just for an explanation to the body. Originally, we thought we could work out a word change that would be acceptable, but it would still be subject to a unanimous consent request. We were informed there would be an objection, so that is why we vacated the rewording of the amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of Michigan. 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 Michigan (Mr. SMITH) will be postponed.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

TITLE ____—ADDITIONAL GENERAL PROVISIONS

SEC. ____. Of the funds appropriated in this Act under the first paragraph of the heading ''COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES—SALARIES AND EXPENSES'', not more than $7,500,000 shall be available for the United States Court of Federal Claims.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Chairman, I rise today to offer an amendment to reduce the budget for the U.S. Court of Federal Claims by one-half. Due to an unchecked law, a handful of Federal judges who decide claims against the government are collecting full-time wages for less than part-time work.

The judges on the U.S. Court of Federal Claims are appointed for 15 years, but jurists turn their terms into lifetime appointments by remaining as senior judges and collecting their full six-figure salaries. Currently, the Federal claims court has 16 active judges, and it has 13 senior-status judges.

The workload of the court is hardly burdensome, as it averages fewer than two trials a year. While a handful of senior judges work a full docket, others handle only a fraction of their former caseloads; and still others, Mr. Chairman, still others do no cases whatsoever. They keep an empty docket. Yet all of them are paid the full-time Federal judge salary of $158,000 a year.

This is known in the legal profession by lawyers who know this court, it is called ''charmed existence,'' and it is an abuse of judicial authority and a waste of taxpayer money. I would hope we would support this amendment.

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

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

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

Mr. Chairman, I rise in opposition to this amendment; but the committee will look at this issue, because I tend to agree with the gentleman on the circumstances involved. If they want to retire, they should retire. But, unfortunately, I do not think this amendment gets to that.

The amendment would effectively reduce the amount of funds available to the U.S. Court of Federal Claims. A $7.5 million reduction would more than fully encompass the entire budget of the Clerk's office, both operating expenses, as well as salaries and benefits for the approximately 30 staff employed by the court, which is currently about $3 million.

It is uncertain how the remaining reduction would be absorbed, since most of the remaining costs are contractual, rent and the judges' salaries and benefits. So while the judges and chambers staff would remain on board, with no Clerk's office staff or operating funding, the court would eventually cease operations, few if any cases could be tried, and the backlog would grow.

In addition, this would result in extreme delay for plaintiffs in the more than 2,000 cases that are currently pending before the court that are waiting to have their cases against the U.S. Government.

In addition, because the court was created in part to give citizens a court with jurisdiction to consider claims against the government, it would not be unreasonable to think that this could be viewed by some as a way to eliminate the government's liability in cases brought against it.

So for those reasons, what it would do to the court, I oppose the amendment. But I would urge the Committee on the Judiciary to look into this whole issue of terms. I think once they are judges, they are judges. When they retire, to take a senior status and take no or few cases and still draw their full salary, quite frankly, it is not right.

So I think what the committee will do is to draft a letter, send a letter to the court of claims, the chief justice, to ask them to look into this. But I do not want to shut the whole court down.

Because of that, I oppose the amendment.

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

Mr. Chairman, I appreciate the chairman agreeing to look into this; and I think that is important, whether this amendment passes or not.

There is somewhat of a movement within the other body to shut that court down completely. The value of it, there is a real question about it.

In a recent Associated Press story, let me just quote a few lines from it, it says, ''Judges on a little known Federal court that decides claims against the government are appointed for 15 years, but collect their full six-figure salaries for the lifetime of the workload average, and they average fewer

than two trials each in one recent year.'' It goes on to say, ''Taxpayers are spending top dollar for full-time judges who do not even perform part-time work.''

Finally, the statement is made, ''They go from doing next to nothing to doing nothing and we are paying for it.''

We still leave over $7 million in the budget for this court. We are not doing away with the court entirely. That decision is not being made at this point. I do not think this would be the appropriate place to do that. But this is a way to get at the abuse that is going on with that particular court and the abuse of taxpayer dollars.

Again, Mr. Chairman, I would ask for an ''aye'' vote.

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

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

Mr. Chairman, I again rise in opposition. But I think the Committee on the Judiciary, and we will also look at whether this court ought to be abolished, I think this Congress passes things and creates things. Maybe this ought to be transferred to the D.C. Court of Appeals or some other court. If the conditions are the way that the gentleman said, my sense is maybe it just ought to be abolished. But until it is there, these 2,000 cases are moving. So maybe I would be very supportive of abolishing it, but I think they have to be able to operate.

So for that reason, we will do a letter. We will do a letter to the gentleman from Wisconsin (Mr. SENSENBRENNER) asking him to look at this issue, as to whether or not the court ought to stay in existence.

Mr. Chairman, I oppose the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. 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 Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. SHERMAN

Mr. SHERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHERMAN:

At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to implement, litigate or defend the legality of, or enforce the regulations prescribed by the Comptroller of the Currency and published in the Federal Register on January 13, 2004, at 69 Fed. Reg. 1895—1904 (relating to the scope of visitorial powers of the Comptroller of the Currency) and at 69 Fed. Reg. 1904—1917 (relating to applicability and preemption of State law with respect to national bank operations).

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of yesterday, the gentleman from California (Mr. SHERMAN) and a Member opposed will each control 10 minutes.

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

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

This is the Sherman-Otter-Gutierrez amendment dealing with an issue very different from the one I was speaking about just a few minutes ago. But before I address this amendment, let me address that other amendment dealing with the enemy combatant doctrine.

First, of course, we did lose on the voice vote. I should point out for the record there were only six Members present here on the floor at the time.

The reason I did not call for a recorded vote is because I agree with some of the speakers on the other side. We need a better-crafted, more-considered amendment than the one I wrote. That is why the authorizing committees, particularly the Committee on the Judiciary, need to focus on this issue.

It is only frustration that after a year the Committee on the Judiciary has slept while this doctrine, which would allow not for the arrest only of Osama bin Laden, he could be arrested tomorrow, he has already been indicted, not for the arrest of Mohamad Atta, he could be arrested in a minute on a whole variety of charges. Somebody caught red-handed making a bomb could be arrested in a minute. But, rather, we have a doctrine out there that could lead to the permanent detention of people due to mistaken identity, could lead to somebody being permanently detained, because there is some local enemy that mis-accuses the individual, and eventually could be used by an administration to detain anyone it felt was an enemy of that administration.

So I look forward to a Committee on the Judiciary that does its job and a criminal code that criminalizes those things for which people should be incarcerated, and we do not incarcerate people because only one branch of government acts.

Now let me shift to the Sherman-Otter-Gutierrez amendment. It deals with an entirely different issue. That issue is that renegade regulators at the OCC published just a few months ago a regulation stating that all national banks are exempt from all State consumer protection laws.

□ 1515

This is an extreme and an absurd regulatory provision. It is one that would cause national banks to be free from all of the attempts by State governments to prevent predatory lending.

Now, I believe that we ought to have national standards, national standards to protect consumers from predatory lending practices and national standards to make sure that subprime borrowers are able to get credit. But to have this decision made by a renegade regulator is absurd.

I agree with those who say that this is an issue that should be dealt with by the relevant committee, the Committee on Financial Services. In fact, the relevant chairwoman of the Subcommittee on Oversight and Investigations had urged the OCC to wait and not publish these rules until Congress had had a chance to act. She was ignored.

I would hope that the Committee on Financial Services would go beyond the mere hearings that we have held, and we have had several, and would mark up a bill, either mark up a bill to tell the OCC that they cannot willy-nilly exempt all national banks from State regulation, or, perhaps even better, one that could also provide strong consumer protections and good access to capital to all those in the subprime borrowing market, protecting people from predatory lending practices.

Since we have not had action in the form of a markup at the Committee on Financial Services, since the OCC ignored the request that they wait for publishing their rules, I thought it was important to come to this floor and offer an amendment to act immediately.

I know that the gentleman from Idaho (Mr. OTTER) and the gentleman from Illinois (Mr. GUTIERREZ) would like to speak and will be to the floor soon.

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

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. The Comptroller of the Currency is not within this subcommittee's jurisdiction, it is within the Department of Treasury. This is not the right bill to change the Comptroller of the Currency's policies concerning the regulation of national banks and State roles in regulated banks. It is a complex issue. The gentleman seems to acknowledge that the Committee on Financial Services ought to be the one to deal with it. I understand the Committee on Financial Services opposes the language to be included in the bill, so I strongly urge that we defeat the amendment and that he offer it maybe when another bill comes up dealing with the Comptroller of the Currency.

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

Mr. SHERMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank the gentleman for yielding me this time. I also thank the gentleman from Virginia (Chairman WOLF) for his comments. Whether or not this is the proper place to make this correction, I think it is terribly important that the correction be made.

The dual banking system in our Nation has a long and very productive and rich history. It has played a major role in making ours the strongest and most confirmed banking system in the world. The balance between the State-chartered banks and the national banks provides critical fuel to our economy, fosters innovation and competition, and provides Americans with a safe and sound banking system as a whole.

I am deeply concerned that the OCC's preemptive rules would take that balance and put it into jeopardy. These rules could radically change our financial regulation structure, and overriding State law enforcement authority and the State laws for national banks can have serious repercussions on our Nation's banking economy and on the consumers in the State of Idaho.

We do not have to look back very far in history, Mr. Chairman, to see the long-reaching effects of preempting State financial laws. Let us take, for example, the savings and loan or the thrift industry. Until 1980, State-chartered thrifts outnumbered those of Federal charters. But in 1980, the Federal regulator issued a preemptive policy similar to the OCC's recent rulings. As a result, we have watched the number of State-chartered thrifts decline until they now make up less than 10 percent of all of the thrifts in the country.

Until 1980, in my State of Idaho we had five State-chartered thrifts. Today, all thrifts in Idaho have national charters. None have State charters. Since 1980, 14 banks have received new State commercial bank charters, but there has not been a single thrift chartered in the past 24 years.

Our economy in Idaho depends on small community banks. These banks serve the members in their communities and constantly improve the way we do business in America and through innovation and diversity. If we allow the OCC to tip the balance toward the national banks, we put consumers at risk. State and local agencies in Idaho are better equipped than any Federal bureaucracy to meet the needs and address the problems of Idahoans. Allowing our banking system to be dominated by a single Federal regulator would harm consumers and our economy.

Mr. Chairman, I urge my colleagues' support for this amendment. My apologies to the gentleman from Virginia (Chairman WOLF), because if this is the wrong place to make this correction, I would like to work with the chairman to make that correction in the proper place.

Mr. WOLF. Mr. Chairman, I yield 6 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the gentleman for yielding me this time.

First I want to start by agreeing with something that the gentleman from California (Mr. SHERMAN) has said today, something that was published in the newspaper The American Banker this morning. He was talking about the amendment which he now brings to the floor. What he says about it is, ''This is a crazy way to do it.'' I would agree with that. It is, as he said, ''This is a crazy way to do it.''

The gentleman from Idaho (Mr. OTTER) has said this is an important issue. I agree with him; it is an important issue. It is one that ought to be debated. It is one that ought to be addressed. And, in fact, the Committee on Financial Services has had two hearings on this matter. Numerous Members, including the gentleman from Ohio (Mr. NEY) and the gentleman from Pennsylvania (Mr. KANJORSKI), to name two, have introduced legislation to address this OCC issue. The committee is working on it.

This particular amendment actually goes to the heart of the Committee on the Judiciary's jurisdiction. This is something that ought to be before the Committee on the Judiciary, because what it is, and I go back to what the gentleman from California (Mr. SHERMAN) says, and I agree with him, he says, what we are trying to do here is effectively pull the teeth out of the regulations. In other words, the OCC passed some regulations, he does not agree with those regulations, so he wants to effectively pull the teeth out of those regulations. Well, there are certain ways to do that. What he is doing is saying, so, I am going to prohibit the Justice Department from representing the OCC in court. But that is not the way to do it.

If you disagree with the regulations, you have, one thing you have is the Congressional Review Act, and our colleague on this amendment actually filed legislation under that act to review this regulation, and that is the proper way to do this. As the gentleman from California (Mr. SHERMAN) said, this is a crazy way to do it. This is a crazy amendment. It is a crazy way to do it.

We have rules in this House. I have rules at my house. There are rules. We all have rules, and we need to go by those rules. We either need to change those rules, or we need to go by those rules.

The place to address these issues, if we want to talk about whether the Justice Department ought to have the right to be a legal advocate for the OCC, and I sure hope that our governmental agencies, when they go into court as a representative of the people of the United States, I hope that they are going to have the right to legal counsel. If this amendment is passed, the OCC will be denied legal counsel. They will be denied Justice Department legal counsel. As the gentleman says, this is a crazy way to do it.

The gentleman from Idaho (Mr. OTTER) talked about something earlier that concerns all of us. We have State regulations, we have Federal regulations. They are both important. We ought to watch what we do in this regard. What ought to watch what we do when we preempt State regulations.

He is concerned about the number of national charters as opposed to State charters, that the national charter appears to be getting more valuable. That is something that ought to be addressed, but you do not address that in an appropriations bill. You let the committees that have jurisdiction over these matters, which are the Committee on Financial Services, and they are having hearings on these matters; there is numerous pieces of legislation introduced, that is where we address it.

I do not think any appropriators will vote for this particular legislation. If they do, I would say to them, this is authorizing legislation. Why would we support something like that in appropriations? Appropriators, and I say to all Members who are appropriators, you would not want the authorizing committee, you would not want the Committee on the Judiciary passing legislation appropriating funds for the Justice Department or the Commerce Department. Neither would you want the Committee on Financial Services to start making appropriations, and neither should the appropriating committee start doing authorizations. Members of the Committee on Ways and Means out there, they are charged with certain jurisdictions. The Committee on Commerce, the Committee on International Relations, all of these committees, that is where we authorize legislation. That is the rule. This amendment, although it is crafted in a way which simply says the OCC will be denied legal representation in court, which is a crazy thing, as the gentleman from California (Mr. SHERMAN), the maker of this amendment, says, that is the only way that he could sort of bring this up to the body.

And I will say this to my colleague: The fact he brought this out, he mentions it, he has said that it ought to be addressed, I commend the gentleman for that. But this is not the mechanism.

I would say to any Member that votes for this, if you vote for this, you are voting really to disregard the rules and the structure of this whole body. If you serve on authorizing committees, you are basically saying it is okay for appropriators to authorize. If you vote for this legislation, you will say it is okay for the Committee on Appropriations to start doing the work of the Committee on the Judiciary. If you vote for this amendment, you will be saying I do not care if this is the Committee on Financial Service's matter, it is within their clear jurisdiction, but

I do not care, I am going to vote for it on an appropriations bill.

What that will result in, if amendments like this continue to be brought up as they are, and that is why we are here for several days instead of addressing things that ought to be addressed in this bill, then this body will gravitate into mayhem.

I urge my colleagues for the right reasons to oppose this amendment.

Mr. SHERMAN. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I am proud to be an original cosponsor of this bipartisan amendment, which would provide no funds in the bill be used to defend the OCC preemption regulations in a court of law.

Earlier this year, the OCC issued preemption rules that indicated that many State laws did not apply to national banks, did not apply to national banks, and State officials such as the attorneys general elected in each and every one of our States did not have authority over national banks and to help consumers.

I think that is crazy. I think that is insane. And it does not defend the consumers.

The gentleman from California (Mr. SHERMAN), the gentleman from Idaho (Mr. OTTER), and I and our staffs, with their inspiration and innovation, have brought this amendment to the floor because we want to defend consumers.

The Office of the Comptroller of the Currency, or the OCC, regulates national banks. The name of the agency causes most people to think of it as the Mint or that it would be responsible for printing money. It is certainly not the agency that consumers think to call for help when a bank has violated the law, and perhaps it is because the OCC's Consumer Call Center is open only for business 28 hours a week and closed on Fridays. At least the attorneys general and your bank regulators in your States are open Monday through Friday, 40 hours a week, to defend consumers.

□ 1530

That is what the OCC thinks about consumer protections. They will not even defend you 5 days a week. When my constituents have a problem with the bank, they call the Illinois Attorney General, as I am sure in every other State people call their Attorneys General. But according to the OCC, the Attorney General has virtually no authority over the big powerful national banks. And that is wrong.

I remember when the gentleman from Alabama came here talking about States right and saying they are the incubator of ideas. Everything is done better at the local level. Yet, the gentleman from Alabama comes here, and we should have struck his words, I will not, calling us crazy on five different occasions.

It is not crazy to protect consumers. It is crazy not to protect consumers because that is our main responsibility, to defend the people and not to be quoting from the Bankers Journal. They publish that journal to defend their interests, and it should be our priority to defend the interests of consumers, as crazy as that may seem given all the special interest money that runs around the Congress of the United States.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I respectfully and reluctantly rise in opposition to the amendment offered by my friend and colleague, the gentleman from California (Mr. SHERMAN), whom I respect.

As a member of the Committee on Financial Services, I have been at numerous hearings that have been held on the issue of OCC preemption. What the OCC did in promulgating these regulations is well within, in my opinion, their scope as a regulator of national banks. But I believe the issue is bigger than that of the powers of national versus State chartered banks or the presumed powers of the OCC. The real question here deals with ensuring the greatest protections of all American banking consumers with respect to stopping abusive lending practices. And that is why I salute the OCC's actions.

Our constituents have no idea where their bank is chartered, and they really do not care. But they really do care about protecting their money and their investments and keeping the access to capital free flowing. This action by the OCC will allow that to happen. For example, I know much has been made in Washington by some of my colleagues about a possible weakening of consumer protections between banks and their customers due to these OCC regulations. I disagree.

The famous First Tennessee case in New York proves this point, as once the OCC entered the dialogue, the case resolved in favor of the consumer in a matter of days, and the customers' losses were refunded, and their legal bills paid. Additionally, with the powers the OCC has, including on-site examiners actually in the actual banks on a day-to-day basis, they know the operations and the rules. They know how to make banks comply with them.

Remember, it was not the FBI who caught Al Capone. It was the IRS. That is the same approach under which the OCC will approach its bad actors with its on-site staff that have the ability to shut down banks.

Finally, these OCC regulations also created one uniform Federal standard for all national banks and their operating subsidiaries with respect to predatory lending as a way of creating a level playing field for all national banking customers.

While I do believe these predatory lending regulations that have been put in place are weak at best, their establishment drives home the need for real action by this Congress this year to address predatory lending with a strong national law that governs lending at all financial institutions and their operating subsidiaries, regardless of where they are chartered.

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

The OCC gets its $500 million budget from the banks it regulates. It is financially accountable to the banks rather than Congress. That is why we had to offer an amendment dealing with the Department of Judiciary's budget. The gentleman from Illinois (Mr. GUTIERREZ), who spoke with such passion and wisdom just a second ago, introduced in our committee, when we expressed our budget views and estimates, language criticizing these OCC regulations. And that language passed 34 to 28 with the support of the relevant subcommittee chairman, the gentlewoman from New York (Mrs. KELLY).

I would point out that now it is time for the Committee on Financial Services and this Congress not to just express our views but to legislate. That is why I will withdraw this amendment and hope that our committee will act instead of simply expressing views.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Total appropriations made in this Act are hereby reduced by 1 percent.

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

This is an amendment I have offered on a great many appropriations bills over the last few years. In my desire to begin to get a grip on the deficit spending that we are doing now, and it is not a reflection on the chairman or the committee and the job they have done, there is a great deal of good in this bill; but I rise today to offer an amendment to cut by 1 percent the level of funding in this appropriations bill. For the CJS appropriations bill that amends amounts to $398 million, and that translates to one penny on every dollar we spend. One penny is all we are talking about on every dollar that we are spending.

I recognize there are many important law enforcement provisions contained

within this bill, which is why I have structured my amendment using the Holman rule so that the administration may choose the accounts in which they want to reduce the spending in this bill. The tendency always is when you want to cut something or a Department is to say that the most desirable things are the things it will cut. No, it is not. The FBI that will get cut here or some of those law enforcement things, it will be the things that are the least important, if we do it in this way and under this particular rule.

As most Members are aware, as I said earlier, I have introduced similar amendments that would have cut spending in other appropriations bills and I have plans to continue doing so in other appropriations bills that are brought to the floor. My amendments are intended to draw a line. The budget for fiscal year 2005 is too large. We have the power to do something about the budget deficit right now. By voting for my amendment, Members are stating to the American taxpayers they should not have to pay higher taxes in the future because we could not control spending today.

Our budgets would be no different than the taxpayers' budgets at home. When we have less money, we simply need to spend less money, and there are plenty of places within the Federal budget where we are spending money that clearly does not make any sense whatsoever.

Mr. Chairman, I offer this 1 percent cut in the budget.

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

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

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

The amendment would take $400 million from the bill. As you can see from the debate, other Members feel that the funding for a host of programs is inadequate. The budget resolution passed by the House, we are within that budget resolution. The bill we are considering stays well within it. A number of accounts in the bill are funded very close to the bone. For a number of reasons that other people would realize, we urge strong opposition to the amendment.

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

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

There is not a member of this Congress that is more conscientious or more concerned about the deficit than the chairman of the committee, the gentleman from Virginia (Mr. WOLF). I have the highest respect for him. I still say, Mr. Chairman, that we can find one penny on the dollar to cut in this particular appropriations bill. I would ask for an ''aye'' vote.

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

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill was put together by two staffs and two members in a very tight situation with a very low allocation. As I have said on many occasions during this debate, I think the bill is fair, but we know it is tight. And this is a large amount of money to take out of this bill, especially across the board, without any consideration to all the negotiations that went in to putting the bill together.

I just think it is a bad idea, and it should be defeated.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on this amendment are postponed.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the provisions of section 214(d) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228).

The CHAIRMAN. Points of order are reserved. Pursuant to the order of the House of yesterday, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume. I will not take the full 5 minutes. As a member of the Democratic baseball team, we have a date with destiny shortly.

I just wanted to explain the amendment, and then I will yield back my time.

This Congress in the 2003 State Department Authorization Act said that once and for all, any documents like passports and the like that refer to Jerusalem have to say the country. It is the only instance in our Nation where it says a city but it does not refer to the country, a strange form of record keeping that we clarify.

There are now some lawsuits from people who are trying to enforce that law that this Congress passed overwhelmingly, and the Justice Department and the State Department are fighting those suits. Mine would be an amendment saying that no funds can be used to stop Congress's will from being put into place. I urge a ''yes'' vote.

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

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

This amendment reiterates current law. We have no objection, and we accept the amendment.

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

Mr. WEINER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

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. 2 by the gentleman from Vermont (Mr. SANDERS); amendment No. 20 by the gentleman from Missouri (Mr. AKIN); amendment No. 23 by the gentleman from Iowa (Mr. KING); the amendment by the gentleman from Michigan (Mr. SMITH); the amendment by the gentleman from Colorado (Mr. HEFLEY); the amendment by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) 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 210, noes 210, answered ''present'' 1, not voting 13, as follows:

[Roll No. 339]

AYES—210

Abercrombie	Brown (OH)	Cummings
Ackerman	Brown, Corrine	Davis (AL)
Alexander	Capps	Davis (CA)
Allen	Capuano	Davis (FL)
Andrews	Cardin	Davis (IL)
Baca	Cardoza	Davis (TN)
Baird	Carson (OK)	DeFazio
Baldwin	Case	DeGette
Bartlett (MD)	Castle	Delahunt
Becerra	Chandler	DeLauro
Berkley	Clay	Dicks
Berman	Clyburn	Dingell
Bishop (NY)	Conyers	Doggett
Boswell	Cooper	Dooley (CA)
Boucher	Costello	Doyle
Boyd	Cramer	Duncan
Brady (PA)	Crowley	Ehlers

Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
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
Simpson
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
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
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—210

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

ANSWERED ''PRESENT''—1

Lofgren

NOT VOTING—13

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Quinn
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

PARLIAMENTARY INQUIRY

Mr. SANDERS (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Vermont will state his parliamentary inquiry.

Mr. SANDERS. Mr. Chairman, how much time is allowed for a vote to be cast? My understanding is 17 minutes.

The CHAIRMAN. The minimum time for electroic voting on this question is 15 minutes.

Mr. SANDERS. Will the gentleman tell me how much time has expired on this vote at this point?

The CHAIRMAN. Longer than the minimum time.

Mr. SANDERS. My understanding is over 24 minutes have expired.

PARLIAMENTARY INQUIRY

Mr. NADLER (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. NADLER. My parliamentary inquiry is twofold. How much time has elapsed on this vote, and how much time will be allowed on this vote beyond what the rules provide for? How much time has elapsed on this vote? The time has expired.

How much time has elapsed on this vote? Are we going to hold this vote open until enough arms are twisted?

The CHAIRMAN. The Chair would attempt to respond to the parliamentary inquiry. The minimum time for this electronic vote, as stated earlier, is 15 minutes. And, as always, if there are Members in the well attempting to vote, the vote will remain open.

PARLIAMENTARY INQUIRY

Mr. NADLER (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. NADLER. I have two parliamentary inquiries. One you did not answer I asked before. How much time has elapsed on this vote so far? Not the minimum. How much time so far has elapsed?

The CHAIRMAN. The Chair will repeat that the minimum requirement is 15 minutes. That has elapsed.

Mr. NADLER. That was not my question.

The CHAIRMAN. The time elapsed thus far is 29 minutes. As long as there are Members wishing to vote in the well, the vote will remain open.

Mr. NADLER. My second question, sir, is I do not see anyone in the well waiting to vote. Is there anyone in the well waiting to vote?

PARLIAMENTARY INQUIRY

Ms. PELOSI (during the vote). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. PELOSI. Mr. Chairman, in a previous response to a parliamentary inquiry, the Chair stated the vote would remain open as long as there were Members in the well wishing to vote. That case does not exist at this time, so when will the Chair be gaveling this vote down?

Mr. Chairman, apparently the basis for the Chair's response before is no longer true. Members are not in the well wishing to vote.

The CHAIRMAN. The Chair would remind Members that the rules state that the vote shall be open for a minimum of 15 minutes, and as long as there are Members in the well to vote, the vote will remain open.

Ms. PELOSI. Mr. Chairman, how long has the vote been open?

The CHAIRMAN. The Chair is about to ask if any Member wishes to change his or her vote, so that changes may be reported.

□ 1622

Ms. HARRIS, Mrs. CUBIN, Messrs. GILCHREST, BEREUTER, TOM DAVIS of Virginia, BILIRAKIS, KINGSTON, SMITH of Michigan, BISHOP of Utah, WAMP, TANCREDO and Mrs. MUSGRAVE changed their vote from ''aye'' to ''no.''

Messrs. ACKERMAN, LANGEVIN, ALEXANDER, CRAMER, and SHERMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. AKIN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. AKIN) on which further proceedings were postponed and on which the ayes 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 306, noes 113, not voting 14, as follows:

[Roll No. 340]

AYES—306

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

NOES—113

Abercrombie
Ackerman
Andrews
Baldwin
Berkley
Berman
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Case
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Grijalva
Gutierrez
Harman
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez, Loretta
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—14

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Quinn
Sanders
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1631

Ms. CORRINE BROWN of Florida and Mr. SHAYS changed their vote from ''aye'' to ''no.''

Mr. ENGLISH and Mr. HOLDEN changed their vote from ''no'' to ''aye.''

Mr. ABERCROMBIE changed his vote from ''present'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) 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 139, noes 278, not voting 16, as follows:

[Roll No. 341]

AYES—139

Akin
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Camp
Cantor
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Latham
Lewis (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Otter
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Ramstad
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Thornberry
Toomey
Upton
Vitter
Wamp
Wilson (SC)

NOES—278

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Barton (TX)
Bass
Becerra
Bereuter
Berkley
Berman
Biggert
Bishop (NY)
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burr
Burton (IN)
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge

Evans
Farr
Fattah
Ferguson
Filner
Flake
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (WA)
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Nethercutt
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—16

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Napolitano
Peterson (PA)
Quinn
Tauzin
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1639

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. NAPOLITANO. Mr. Chairman, on rollcall No. 341, had I been present, I would have noted "no."

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SMITH) 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 129, noes 291, not voting 13, as follows:

[Roll No. 342]

AYES—129

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Bradley (NH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Costello
Cox
Cramer
Crane
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Duncan
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McCotter
McCrery
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Osborne
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Platts
Pombo
Ramstad
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Taylor (MS)
Thornberry
Tiahrt
Toomey
Vitter
Walden (OR)
Wamp
Whitfield
Wilson (SC)
Young (AK)

NOES—291

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gonzalez
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—13

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Quinn
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1647

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) regarding the U.S. Court of Federal Claims 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 67, noes 347, not voting 19, as follows:

[Roll No. 343]

AYES—67

Bartlett (MD)
Beauprez
Bishop (UT)
Blackburn
Bradley (NH)
Chabot
Coble
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Duncan
Everett
Feeney
Flake
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hefley
Hensarling
Herger
Hunter
Isakson
Johnson, Sam
Jones (NC)
Keller
Kingston
Kline
Lewis (KY)
Manzullo
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Ramstad
Rehberg
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns
Tancredo
Terry
Toomey
Udall (CO)
Visclosky
Vitter
Young (AK)

NOES—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hayes
Hayworth
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kleczka
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—19

Bell
Berry
Bishop (GA)
Blumenauer
Brady (TX)
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Jones (OH)
Kirk
Kucinich
LaHood
Quinn
Reynolds
Tauzin
Weller

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Two minutes remain in this vote.

□ 1654

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WELLER. Mr. Chairman, on rollcall No. 343 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) regarding an across-the-board cut of total appropriations, 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 81, noes 327, not voting 25, as follows:

[Roll No. 344]

AYES—81

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Burgess
Burton (IN)
Capuano
Chabot
Chocola
Coble
Cox
Crane
Cubin
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Gutknecht
Hall
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Issa
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Lewis (KY)
Linder
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Ramstad
Rogers (MI)
Rohrabacher
Royce
Rush
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Wilson (SC)

NOES—327

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Becerra
Bereuter
Berkley
Berman
Biggert
Bishop (NY)
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (WA)
Hayes
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston

Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Sullivan
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Bell
Berry
Bishop (GA)
Blumenauer
Boehlert
Carson (IN)
Collins
Culberson
Davis (FL)
Deutsch
Diaz-Balart, L.
Eshoo
Ford
Gephardt
Greenwood
Hastings (FL)
Hinchey
Isakson
Kaptur
LaHood
Lipinski
Quinn
Ryan (OH)
Stupak
Tauzin

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Two minutes remain in this vote.

□ 1701

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OSBORNE. Mr. Chairman, I appreciate the hard work of the members of the committee, and of Chairman FRANK WOLF and Ranking Member JOSÉ SERRANO on H.R. 4754.

Caseloads for U.S. district judges in Nebraska have climbed steadily. In fact, criminal cases have more than doubled since 1995.

Like many other states in the Midwest, Nebraska has been plagued in recent years by an influx of methamphetamine (meth), and criminal cases involving meth represent a significant increase in Nebraska's drug docket.

Interstate 80, which runs the length of the state of Nebraska, is one of the primary transit routes used for drug trafficking across the central United States.

Nebraska's ability to prosecute interstate drug trafficking affects the whole country.

In fact, Nebraska's judges carry a heavier criminal caseload than judges in New York City, Chicago, and Los Angeles.

Mr. Chairman, while I am grateful for the increased funding provided in this bill for the federal court system, the substantial increase in Nebraska's criminal trials leaves Nebraska's federal judges with impossibly heavy caseloads.

I also appreciate the generous funding the CJSJ committee has allocated in the last several years towards fighting meth in Nebraska. These funds have made a significant difference.

My colleague from Nebraska, Mr. BEREUTER, has introduced H.R. 4301, to authorize an additional district judgeship for the district of Nebraska.

The Senate has already passed legislation that included Nebraska in the list of judgeships to be made permanent and I am hopeful the House will do the same.

A fourth judgeship is critically important to Nebraska, and without it, criminal cases will move more slowly and handling civil cases will become increasingly burdensome.

I support and urge passage of the underlying appropriations bill and I look forward to continuing to work with the authorizing committee to address the judgeship issue in Nebraska.

Mr. KUCINICH. Mr. Chairman, I rise today in support of the Flake-Davis-Emerson-Delahunt amendment to the Commerce, State & Justice Appropriations bill. This bipartisan amendment would de-fund Commerce Department enforcement of its new anti-family regulations. These regulations set greater limitations on gift parcels that Cuban-Americans are allowed to send to their family members. Gift parcels are no longer allowed to contain such humanitarian aid items as clothing, seeds, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment. Additionally, this regulation limits the delivery of gift parcels to Cuba to once per month per household, instead of once per month per individual recipient. The gift parcels can only be sent to the immediate family of a donor: grandparents, grandchildren, parents, siblings, spouses or children. All cousins, uncles, aunts, nieces, or nephews, or in-laws are excluded.

According to the Commission for Assistance to a Free Cuba, appointed by President Bush, gift parcels "decrease the burden of the Castro regime to provide for the basic needs of its people" which therefore allows the regime to "dedicate more of its limited resources to strengthening its repressive apparatus." This is ludicrous. The reality is that there are many Cubans living in poverty whose only way of getting necessary living materails—soap, clothes, sustenance supplies—is through gift parcels from their relatives residing in the United States.

This regulation is a human rights travesty; it directly hurts Cuban people and their concerned Cuban-American relatives. Family ties stretch across borders, despite foreign policy mandates, and denying family members from sending aid to their relatives does not only show complete disregard to the value of human rights, but also to the value of the family institution. Support the Flake-Davis-Emerson-Delahunt amendment to de-fund Commerce Department enforcement of its anti-family regulations.

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today to urge my colleagues to vote in favor of H.R. 4754; Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005. This bill includes a very important amendment that will address the inaccessibility to affordable capital for small businesses. This bill also includes important funding increases for the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

One of the biggest problems that small businesses in Puerto Rico and on the mainland face is access to affordable capital. The 7(a) loan program is the Small Business Administrations' core lending program and accounts for roughly 30 percent of all long-term small business borrowing in America. This public-private partnership provides important financing for our nation's small business at a good value for the American taxpayer. This means there can be more loans, more small businesses and greater job creation. These loans are the only source of affordable, long-term financing for many of our nation's small businesses. The continuation of this program is fundamental to a sound economic recovery.

The CJS Appropriations Act also includes $1.66 billion for the Drug Enforcement Administration. This represents a $77 million increase above the Fiscal Year '04 funding. These funds will go to keep drugs off our streets and out of the hands of our children. Additionally, it contains $870 million for the Bureau of Alcohol, Tobacco, Firearms and Explosives, representing a $43 million increase over fiscal 2004 funding. These necessary additions will provide for a safer society.

I urge my colleagues to vote "yes" on the passage of H.R. 4754.

Mr. UDALL of Colorado. Mr. Chairman, I rise in reluctant support of this bill.

Parts of the bill advance good policy.

The most welcome provision in the bill is the $106 million included for the Manufacturing Extension Program (MEP), a program the Administration has tried to eliminate for several years. Last year, MEP served more than 18,000 small manufacturers across the country. In 2002, MEP assistance resulted in $2.79 billion in increased/retained sales, $681 million in cost savings, $940 million investment in modernization, and 32,000 jobs created and retained. Every federal dollar appropriated for MEP leverages $2 in state and private-sector funding, which means that a small federal investment of $106 million translates into billions of dollars in benefits for the economy in terms of jobs created and retained, investment, and sales. While it is overdue, the appropriators' acknowledgement of MEP's importance is welcome—especially as manufacturers continue to experience tough economic times.

The bill also provides essential funding for the Department of Justice, the FBI, and the Drug Enforcement Administration, as well as for Office of Justice programs such as the State Criminal Alien Assistance program.

The bill improves on the President's request in some cases. It includes funding for the

Community Oriented Policing Services (COPS) program and state and local law enforcement assistance—less than the current funding level for these programs, but at much higher levels than the request. I do hope that conferees will see fit to increase funding to current levels for these programs in the final version of the bill.

On the international side, I'm pleased that the bill increases funding for education and cultural exchange programs, which are the most effective public diplomacy programs we can fund, and that it directs the State Department to establish a new permanent office to plan for reconstruction and post-conflict stability, making clear the preeminent role of the State Department—not the Pentagon—in such planning.

The bill also includes important language prohibiting any funds from being used in any way to support or justify the use of torture by any U.S. government official or contract employee. It also directs the Justice Department's Inspector General to submit a report to Congress detailing all internal and interagency documents regarding the obligation to the U.S. under the Geneva Conventions and related international agreements. I'm glad that the House supports this critical provision on a bipartisan basis, as the Administration to date has refused to provide these documents.

But I only reluctantly support this bill for the reasons I have expressed year after year—namely, that it attacks the Department of Commerce laboratories in my district in Colorado, the National Institute of Standards and Technology (NIST) and the National Oceanic and Atmospheric Administration (NOAA).

The trend of cutting these agencies to the bone continues. It continues not because there is fat to cut at these facilities, but because the Subcommittee allocation simply doesn't provide enough money to go around.

Under the bill as it stands, the NIST and NOAA laboratories will see more jobs lost and more cuts in funding. The bill cuts NIST fully 15 percent from last year's levels. Funding for NIST's Scientific and Technical Research and Services (STRS)—at $376 million—is at least 9 percent below the request. Never mind that the Manufacturing Technology Competitiveness Act, which the House will pass this week, includes $425 million in FY2005 for STRS. The bill includes funding for important construction projects, but at levels 18 percent below the request.

The bill reduces NOAA funding by $543 million—a 15 percent cut from FY2004 levels. The office of Oceanic and Atmospheric Research (OAR), which funds the important work being conducted in the labs in my district, is funded at $319 million in the bill—12 percent below the request level, and 16 percent below FY2004 levels. The bill zeros out funding for Abrupt Climate Research and Paleoclimate research, and the overall NOAA budget for climate and global change research has been reduced by an additional $6 million. These NOAA research programs are vital to improving our understanding of the impacts of climate change—something the president has said is a priority for his administration.

In addition to concerns about reduced funding for NOAA, I am also concerned about language included in the bill's report. The report notes: "The Committee continues to believe that resource limitations require NOAA to act expeditiously on laboratory consolidation. The Research Review Team report provides a necessary first step toward rationalization of the enterprise-wide research effort." As far as I am aware, the Committee has never provided a definition for "laboratory consolidation." If done because of "resource limitations," it seems to me that "consolidation" is just a code word for program elimination. I will continue to fight to ensure that before NOAA takes any steps in this direction, it must provide Congress with further explanation as to the reasons for and outcomes expected from such action.

Mr. Chairman, clearly I have deep concerns about the parts of this bill that affect my district and that affect science and technology funding at the Department of Commerce. But the bill includes funding for many other deserving programs. So I will vote for this bill, and will work to see that it is improved in conference.

Mr. SHAYS. Mr. Chairman, I rise in opposition to the Paul Amendment on UNESCO.

During a speech before the UN General Assembly on September 12, 2002, President Bush announced that the United States would return to UNESCO. I support the President's decision, and I oppose efforts to prohibit funding to the organization.

Rejoining UNESCO reflects our national understanding that the body has a decisive role in advancing U.S. foreign policy goals. These goals include promoting education and understanding in areas of the world where desperate populations are susceptible to the preaching of those who would seek to destroy our Nation.

UNESCO is actively pursuing the UN's Millennium Development Goals, including achieving universal primary education in all countries by 2015; eliminating gender disparity in primary and secondary education by 2005; helping countries implement a national strategy for sustainable development by 2005; and reversing current trends in the loss of environmental resources by 2015.

Why wouldn't the United States want to be an active participant and contributor to this process?

We've debated these issues, and this body has decided the United States should continue to be a member in good standing at the UN and rejoin UNESCO.

Prohibiting funding sends a particularly bad message to the global community at a time when international support is needed for many of our initiatives, including the war on terror.

As a contributor and participant, the United States is granted owner to influence UNESCO's goals, programs and management. We should not pass up that opportunity.

Ms. HERSETH. Mr. Chairman, yesterday the House of Representatives narrowly defeated an amendment to the fiscal year 2005 Commerce, Justice and State Appropriations bill that would have increased funding for the Community Oriented Policing Services (COPS) program by $106 million.

I voted in favor of this amendment because I believe it is critical to restore cuts that this bill makes to the COPS program. COPS has been a critical part of our nation's effort to put more police officers on the streets in order to reduce crime and improve homeland security. Given the increased security needs our country faces, there is no question that the COPS program is needed now more than ever.

This was a difficult vote because funding to pay for this amendment was taken from the Census Bureau, which is charged with the important responsibility of counting the American population. I fully support the mission of the Census Bureau. It is particularly important to ensure that the Bureau has the resources it needs to count hard-to-find populations, including Native Americans in South Dakota. Because of inadequate housing and high levels of poverty, Native Americans are traditionally undercounted by the Census. This means that they often do not receive their fair share of federal resources desperately needed to provide jobs, health care and education.

It is important to note that this bill provides the Census Bureau with a $149 million increase in funding over last year's level. The amendment would have shifted $106 million of these funds to the COPS program, thus restoring COPS to last year's level of funding while still providing the Census Bureau with an overall increase in funding. I felt that this approach was fair, and that it would improve homeland security and public safety while still ensuring that the Census can carry out its mission.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today to express my disappointment with the wholly inadequate level of funding in the Departments of Commerce, Justice, and State Appropriations bill for Fiscal Year 2005 for grants to combat violence against women. Women in this country are in the midst of a crisis, continuing to be terrorized by sexual assault, domestic violence, and stalking, and the situation is not getting much better. According to the Centers for Disease Control and Prevention, at least one out of every six women and girls in the United States will have been beaten or sexually abused in her lifetime.

So what is the Republican leadership's response? According to this bill, it is to cut funding for grants to states to combat violence against women. This bill closely follows the President's request and cuts VAWA funding by 1 percent from last year's levels down to $383.5 million. Funding for Violence Against Women Act (VAWA) programs in the Department of Justice, programs which serve to protect older and disabled women from violence, to provide transitional housing for women fleeing abusive partners, to protect students on campus from sexual assault, to reduce stalking, remains $55 million short of full funding. this is simply unacceptable.

We have the money in this country to help every women who is raped, to provide counseling and services to every family trying to overcome domestic violence, to train police officers to help victims of stalking—yet the President's budget chooses not to do this. Instead, the Republican majority chooses to spend more of our money on tax cuts for the wealthy.

I go back to my district and I see women who have worked so hard to survive domestic abuse and sexual assault. I meet families who have lost a mother or a sister to domestic violence. When they ask me—what is my government doing to help me? What is my government doing to make sure this doesn't happen to another woman?—I will have to tell them that the government is not doing nearly enough. The Republican leadership is cutting funding for programs to prevent violence against women. This is a disgrace.

Mrs. CAPPS. Mr. Chairman, while I rise in support of the FY05 Commerce, Justice, State appropriations bill, I am deeply disappointed in

the significant cuts proposed to the National Oceanic and Atmospheric Administration budget.

As you know, the 23rd Congressional District, on California's Central Coast, is an incredibly diverse and productive coastal and marine area.

Tourism and commercial and recreational fishing are major industries on the Central Coast and a staple of our local economy. The money spent by tourists and the fish caught by fisherman pay the bills and put food on the table for the people living in these communities.

Unfortunately, they know better than anyone that our oceans and coasts are facing a greater array of problems than ever before.

The impact of coastal development, pollution and some fishing practices have led to declining prospects for many of our oceans, coasts and marine life.

With the recent release of the Pew Oceans Commission report and the U.S. Commission on Ocean Policy report, we have an unprecedented opportunity to move forward to dramatically reform ocean policy.

That's why investment in our nation's coasts and oceans is needed now.

Sadly, the bill before us proposes over $400 million in cuts—that's a 15 percent cut—to the agency in charge of caring for and managing these assets. I am particularly worried by the decrease in funds proposed for the National Ocean Service and the National Marine Fisheries Service.

The National Ocean Service is the primary federal agency working to protect and manage America's coastal waters and habitats. Unfortunately, this bill proposes a debilitating cut of $160 million from 2004 enacted levels.

Critical National Ocean Service programs have been severely cut, including activities that support managing coastal zones and national marine sanctuaries, restoring coral reefs, protecting sensitive coastal estuaries and reducing coastal pollution.

These cuts will cripple the agency and will impact all Americans who use our beaches and coastal waters for swimming, boating and recreation, in addition to threatening the 3 million U.S. jobs that our coasts and oceans support.

Mr. Chairman, I am also concerned by the proposed cuts to the National Marine Fisheries Service. The $96 million in cuts from the 2004 enacted level will further jeopardize our already troubled commercial and recreational fisheries.

While the bill does provide additional funds for expanding fisheries stock assessments, it fails to make available critical dollars for fishery observer programs, cooperative research, essential fish habitat protection, and efforts to conserve protected species like marine mammals and sea turtles.

Mr. Chairman, I recognize the Subcommittee has difficult choices to make this year. And, I appreciate the Chairman and Ranking Member's commitment to work toward rectifying the funding levels for NOAA in the final bill.

However, the verdict is in—our oceans and coasts are in trouble.

We need to invest in our oceans to ensure that future generations will be able to enjoy clean beaches, healthy seafood, abundant ocean wildlife, and thriving coastal communities.

As we move into conference, I look forward to working with my colleagues on the Subcommittee to address the challenges and threats confronting our oceans and coasts.

Mr. FARR. Mr. Chairman, today this House considers the Commerce, Justice, and State Appropriations bill. I rise to speak on the Commerce portion of the bill—and more specifically, the massive cuts in funding for National Oceanic and Atmospheric Administration (NOAA) programs.

Sadly, the bill we debate today cuts NOAA funding by 15 percent when compared to fiscal year 2004 levels. The decision to cut the funding of vital NOAA programs flies in the face of two in-depth oceans studies, The Preliminary Report of the U.S. Commission on Ocean Policy and the Pew Oceans Commission Report, both released during the past year. These two reports document the crises facing our oceans—crises, as noted by the reports, which require attention now. Today. Unfortunately, instead of using the findings of the two reports to take steps forward, we will in fact be taking many steps backward if we decide to under-fund NOAA programs, especially those within the National Ocean Service and the National Marine Fisheries Service.

Before I speak about some of the specific programs hardest hit, I want to thank CJS Chairman WOLF and Ranking Member SERRANO for the commitment they made during full committee mark-up to work to increase the funding levels for conservation programs, particularly programs within the National Ocean Service and the National Marine Fisheries Service, during conference with the Senate. I am grateful that they have acknowledged the importance of increasing the funding levels. I also thank Ranking Member OBEY for stating his concerns regarding the NOAA funding cuts.

As a co-chair of the House Oceans Caucus, I helped to lead a bi-partisan letter than garnered a total of 59 signatures supporting a variety of NOAA programs, including state coastal zone management grants, coastal nonpoint and community resource grants, the national estuarine research reserve system, the coastal and estuarine land conservation program, the national marine sanctuary system, coral reef conservation, ocean exploration, fisheries research and observer programs, marine mammal protection, and invasive species initiatives, among others. This letter was not for parochial projects; it was for national programs for this Country's largest public trust resource—our oceans. Despite this letter, the bill in front of us today actually cuts the funding levels of many of the programs we specifically noted were important to protect.

Mr. Chairman, let me highlight some of the most severe cuts and briefly discuss the likely consequences of the cuts.

When combining the cuts from decreases in coastal zone management grants and coastal nonpoint pollution grants—both of which are important to state efforts to address threats to the coastal ocean—many states will be left scrambling. For example, Florida will have a net loss of $345,000; Virginia a net loss of $620,000; and my state of California will lose $620,000. These numbers may not seem like high dollar amounts since we are used to dealing in millions; however, the states rely on these funds and it is unfortunate that we can't provide them.

Cooperative Fisheries Research programs have been dealt a huge blow—going from an FY04 enacted level of $19.9 million to $5 million in the bill before us. Cooperative Research programs bring scientists together with the fishing community to foster trust and to conduct collaborative studies aimed at better understanding our fisheries resources. If we are serious about resolving over-fishing issues, we cannot afford to cut a program that brings together the critical players.

Lastly, I am deeply concerned by the funding levels for marine mammal protection. Under the funding levels put forth in the bill, the National Marine Fisheries Service will not be able to fund top priority studies as identified by the multi-stakeholder Take Reduction Teams; the agency won't be able to conduct research on marine mammal population trends, health, and demographics; and sadly, the National Marine Fisheries Service will not be able to carry out marine mammal education or enforcement programs. Another unfortunate aspect of the bill in front of us today is that funding for the marine mammal health and stranding response program was zeroed out last year and the funds were not restored in this year's bill. This program funds investigations of die-offs of large numbers of marine mammals, including a recent bottlenose dolphin die-off in Florida that involved more than 100 animals. Without the restoration of this program, we lose the opportunity to study marine mammals during die-off events.

Mr. Chairman, our oceans are this Country's largest public trust resource. When are we going to start treating them as such in this chamber, including adequately funding ocean programs? Our job is to ensure a future in which our oceans remain vital components of our economy, our communities, and our lives. To do this, we must fund NOAA programs today.

Despite concerns by my constituents, many of whom are members of the more than 24 national organizations that signed a letter delivered to every member of the House urging a commitment for increasing NOAA funding, I am dedicated to moving this bill forward. Both the chairman and ranking member of the subcommittee have given me their commitment to work diligently to increase the funding levels for the NOAA programs hardest hit by today's bill. I sincerely appreciate their commitment and look forward to working with them. However, in the future, I hope that this House will adequately fund NOAA programs so that we don't find ourselves depending on the good will of the Senate to increase the funding levels of programs that so many of our constituents care so deeply about.

Mr. OLVER. Mr. Chairman, I rise in strong support of the Flake, Davis, Emerson, Delahunt amendment.

The Bush Administration recently announced a series of measures that tighten restrictions on travel to Cuba, and further limit the items that Cuban-Americans can send to their relatives on the island.

Mr. Chairman, it is inhumane and un-American to prevent Cuban-Americans from sending clothing and personal hygiene items to their relatives in Cuba. These restrictions deny the rights of Americans to help their families in Cuba who rely on packages from the United States to provide things that they cannot get at home.

Ironically, like the ongoing travel ban and embargo, these restrictions will do little to harm the Castro regime.

Our Cuba policy should not be built on punishing families and limiting the rights of Americans. We should support more family contact between Cubans and Americans and endorse a strategy of engagement. These latest restrictions may have some electoral impact in Florida, but 40 years of failure prove they will not loosen Fidel Castro's grip on power. We should reject these new restrictions and vote for this amendment.

Mr. SHAYS. Mr. Chairman, I rise in opposition to this very harmful amendment, the Paul Amendment on U.N. funding.

In the early 1990s, because of concerns about United Nation's operations and the lack of reforms by that body, the United States began withholding its payments to the U.N. and fell into arrears.

We subsequently debated this issue for years, and, in November 1999, Congress and the Administration finally agreed on a plan to repay our longstanding debt to the U.N. in exchange for significant reforms by the world body.

This agreement conditioned U.S. payments of $819 million on substantial reforms at the U.N. In return for the United States making good on its commitment, the U.N. reduced our contributions to its regular budget from 25 to 20 percent, and to the peacekeeping budget from 31 to 25 percent. The U.N. also agreed to open up its financial books to the United States and to establish an office of an Inspector General at each of its program offices.

We've debated these issues, and this body has decided the United States should continue to be a member in good standing at the U.N. This amendment would send us back to a debate settled more than three years ago.

Mr. Chairman, as the U.N.'s single largest contributor, the United States is granted unparalleled power to craft the U.N.'s agenda and budget. Our financial leadership truly gives us the ability to shape world events.

Countries all over the world are looking to the United States for leadership, yet if this amendment were to pass, what they would see is a very powerful and wealthy country refusing to live up to its international commitments. Why, as a nation, would we want to unnecessarily complicate our diplomatic efforts at a time when we need every ounce of leverage?

While we must continue examining its operations and recommending operational improvements, the United Nations deserves U.S. support as it continues to combat terrorism, promote economic growth and assist countries in moving towards democracy.

The CHAIRMAN. Are there further amendments?

The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005''.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. HASTINGS of Washington, 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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 701, he reported the bill back to the House with sundry amendments 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 any amendment? If not, the Chair will put them en gros.

The amendments were 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.

□ 1701

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. THORNBERRY). Is the gentleman opposed to the bill?

Mr. HOYER. In its present form, I am.

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

The Clerk read as follows:

Mr. HOYER of Maryland moves to recommit the bill, H.R. 4754, to the Committee on Appropriations with instructions to report the bill forthwith with the following amendment:

At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, book sales records, or book customer lists.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes in support of his motion.

Mr. HOYER. Mr. Speaker, some time ago we passed an act. It was called the PATRIOT Act. It was voted upon by the overwhelming majority of us. The objective then was to ensure the safety of democracy and the survival of freedom. That was the objective of the PATRIOT Act.

Now, there are many in this House, indeed the majority, who believed that there were provisions in that act that undermined democracy. The gentleman from Vermont (Mr. SANDERS) and the gentleman from Idaho (Mr. OTTER) and others raised a very specific provision of that PATRIOT Act as undermining of our democracy, of our civil liberties, and of our freedom.

The vote was called on that amendment, and at the expiration of 15 minutes, the majority of the House indicated that they supported the amendment offered by the gentleman from Vermont (Mr. SANDERS), the gentleman from Idaho (Mr. OTTER), and others. And then the vote continued, and it continued, and it continued, for over twice as long as the Speaker of the House early this year indicated votes would be held; indeed, for 38 minutes.

Now, I say to my colleagues, let me remind my colleagues of the remarks of our Vice President in 1987, when a similar tactic was employed, and I am quoting the remarks of the Vice President of the United States, RICHARD CHENEY, who at that point in time was a Member of this House. ''The Democrats,'' he said, ''have just performed the most grievous insult inflicted on Republicans in my time in the House, a vote held open for a shorter period of time.'' He went on to say that it was ''the most arrogant, heavy-handed abuse of power I have ever seen in the 10 years that I have been here.'' He went on to say, referring to the Speaker of the House of Representatives at that time, Jim Wright from the State of Texas, ''He is a heavy-handed son,'' and I will delete the next two words, ''and he doesn't know any other way to operate, and he will do anything he can to win at any price. There is no sense of comity left,'' said the Vice President, DICK CHENEY, then a Member of the House of Representatives.

Perhaps he felt better after he said that.

But my friends, if you campaign on changing the tone in Washington, if your objective was to bring comity to this House, if your objective, by voting for the PATRIOT Act, was to protect democracy, then protect it here. Protect it here in the People's House. Protect it here where every one of you has an opportunity to say that we will have a fair vote in a fair time frame, and the majority will prevail, not the intimidated will prevail.

Mr. Speaker, I yield to the gentleman from Vermont (Mr. SANDERS), the sponsor of the amendment.

Mr. SANDERS. Mr. Speaker, let me begin by thanking the 191 Democrats and 18 Republicans who voted for that important amendment, but I am not going to discuss the substance of that amendment, because that debate took place, and I respect the people on both sides of that debate.

But what I do not respect is that when we are having a debate about basic American democratic rights and what our Constitution is supposed to be, I resent bitterly, on behalf of the American people, that the Republican leadership rigged the game. That is wrong. At the end of nine innings of a baseball game, at the end of nine innings of a baseball game, the team that has the most runs wins. At the end of the 17 minutes tonight, our side won, and it was not even close.

Now, what kind of lesson, what kind of lesson are we showing the children of America when we tell them, get involved in the political process, that we are a free country, that we are fighting

abroad for democracy, when we rig a vote on this floor? Shame, shame, shame.

Mr. WOLF. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I will just make one comment, and then I will yield to the chairman of the Committee on the Judiciary.

I want to read a letter that came out today. I wish it had come up yesterday and the day before, but it did not. I think every Member ought to know; it deals with the Sanders amendment. Here is what it says.

It says: ''Dear Chairman SENSENBRENNER. In anticipation of the U.S. House of Representatives' consideration of an amendment that would prevent the Justice Department from obtaining records from public libraries and book stores under section 215 of the USA PATRIOT Act, your staff has recently inquired about whether terrorists have ever utilized public library facilities to communicate with others about committing acts of terrorism. The short answer is 'Yes.' ''

And then they go on to say, ''You should know we have confirmed that, as recently as this past winter and spring, a member of a terrorist group closely affiliated with al Qaeda used Internet services provided by a public library. This terrorist used the library's computer to communicate with his confederates. Beyond this, we are unable to comment.''

I wish the Justice Department letter had really come up yesterday or the day before so all Members could have been able to see it before the vote.

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

Mr. SENSENBRENNER. Mr. Speaker, this motion to recommit should be defeated as the amendment was defeated, and the reason is that section 215, which this amendment proposes to defund, provides more rights to public libraries and booksellers than a grand jury subpoena would. Let us look at what section 215 does.

First, it requires the FBI to get a court order. To get a court order, a judge has to be convinced that the court order is necessary, and the burden of proof is on the Justice Department.

The section has a narrow scope. It can only be used to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities. That is what this motion to recommit proposes to do away with.

So the people who are being protected are not United States persons, and people who are engaged in international terrorism or clandestine intelligence activities.

Section 215 cannot be used to investigate ordinary crimes or even domestic terrorists.

The section preserves first amendment rights, and it expressly provides that the FBI cannot conduct investigations of United States persons solely on the basis of activities protected by the first amendment to the Constitution of the United States.

Now, if section 215 goes down, then the Justice Department can get a grand jury subpoena. Now, with a grand jury subpoena, there is no court order, there is no court review, and the person who receives the grand jury subpoena, a librarian or a bookseller, if you will, has to spend thousands of dollars hiring a lawyer at their expense to make a motion to quash the subpoena in the United States district court. And the burden of proof is on the bookseller or the librarian who wants to have the subpoena quashed.

I would submit to my colleagues that if we look at what this amendment proposes to get rid of, it gets rid of a procedure that grants more protection to booksellers and is of much narrower scope than the alternative of the grand jury subpoena.

Let us use common sense and not emotion and vote this motion to recommit down.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for an electronic vote on final passage of the bill.

The vote was taken by electronic device, and there were—ayes 194, noes 223, answered ''present'' 1, not voting 16, as follows:

[Roll No. 345]

AYES—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
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
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
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
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
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula

Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Lofgren

NOT VOTING—16

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Foley
Gephardt
Hastings (FL)
Hinchey
Isakson
LaHood
Quinn
Tauzin
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded there are 2 minutes to cast their votes.

□ 1732

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 18, not voting 18, as follows:

[Roll No. 346]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Capuano
Cubin
Deal (GA)
Duncan
Flake
Franks (AZ)
Gutknecht
Hefley
Hensarling
Jones (NC)
Miller (FL)
Norwood
Otter
Paul
Petri
Shadegg
Taylor (MS)
Toomey

NOT VOTING—18

Bell
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Cox
Deutsch
Gephardt
Goss
Hastings (FL)
Hinchey
Isakson
Johnson, E. B.
LaHood
Quinn
Tauzin
Turner (TX)
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in which to cast their votes.

□ 1739

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. NADLER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from New York (Mr. NADLER).

The motion is not debatable.

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

Mr. NADLER. 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 64, nays 324, not voting 46, as follows:

[Roll No. 347]

AYES—64

Abercrombie
Allen
Andrews
Baldwin
Berry
Boyd
Brady (PA)
Brady (TX)
Capps
Capuano
Davis (IL)
DeFazio
DeLauro
Doggett
Engel
Evans
Farr
Filner
Ford
Frank (MA)
Grijalva
Gutierrez
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Lantos
Larson (CT)
Levin
Lipinski
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
Meehan
Miller (NC)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Ryan (OH)
Schakowsky
Skelton
Snyder
Solis
Stenholm
Strickland
Taylor (MS)
Tierney
Towns
Velázquez
Waters
Watson
Wynn

NOES—324

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane

Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Paul
Payne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)

NOT VOTING—46

Ackerman
Baca
Baird
Bell
Bishop (GA)
Blumenauer
Carson (IN)
Clyburn
Collins
Delahunt
Deutsch
Dooley (CA)
Doyle
Eshoo
Gephardt
Goode
Goss
Hastings (FL)
Hinchey
Holden
Hunter
Isakson
LaHood
Larsen (WA)
Meeks (NY)
Murtha
Norwood
Oxley
Pascrell
Pitts
Quinn
Rangel
Sabo
Sánchez, Linda T.
Sanders
Smith (MI)
Smith (WA)
Stark
Stupak
Tauzin
Turner (OH)
Wamp
Watt
Waxman
Weller
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). There are 2 minutes remaining in this vote.

□ 1757

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–591) on the resolution (H. Res. 710) providing for consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2828, WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–592) on the resolution (H. Res. 711) providing for consideration of the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HARRIS). 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.

INFLATION HURTS MIDDLE CLASS AND LOW-INCOME AMERICANS

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

Mr. PAUL. Madam Speaker, all government spending represents a tax. The inflation tax, while largely ignored, hurts middle-class and low-income Americans the most. The never-ending political squabbling in Congress over taxing the rich, helping the poor, PAYGO, deficits, and special interests ignores the most insidious of all taxes, the inflation tax.

□ 1800

Simply put, printing money to pay for Federal spending dilutes the value of the dollar, which causes higher prices for goods and services. Inflation may be an indirect tax, but it is a very real tax, and the individuals who suffer most from the cost-of-living increases certainly pay a tax.

Unfortunately, no one in Washington, especially those who defend the poor and the middle class, cares about this subject. Instead, all we hear is that tax cuts for the rich are the source of every economic ill in the country. Anyone truly concerned about the middle class suffering from falling real wages, underemployment, a rising cost of living and a decreasing standard of living should pay a lot more attention to monetary policy. Federal spending, deficits and Federal Reserve mischief hurts the poor while transferring wealth to the already rich. This is a real problem, and raising taxes on those who produce wealth only make conditions worse.

This neglect of monetary policy may be out of ignorance, but it may well be deliberate. Fully recognizing the harm caused by printing money to cover budget deficits might create public pressure to restrain spending, something the two parties do not want. Expanding entitlements is now an accepted prerogative of both parties. Foreign wars and nation building are accepted as the foreign policy of both parties.

The left hardly deserves credit when complaining about Republican deficits. Likewise, we have been told by our Vice President that Ronald Reagan proved that deficits do not matter, a tenet of supply-side economics. With this the prevailing wisdom in Washington, no one should be surprised that spending and deficits are skyrocketing. The vocal concerns expressed about high deficits coming from the big spenders on both sides are nothing more than political grandstanding. If Members feel so strongly about spending and deficits, Congress simply can do what it ought to do: cut spending. That, however, is never seriously considered by either side.

If those who say they want to increase taxes to reduce the deficit got their way, who would benefit? No one. There is no historic evidence to show that taxing productive Americans to support both the rich and poor welfare beneficiaries help the middle class, produces jobs, or stimulates the economy.

Borrowing money to cut the deficit is only marginally better than raising taxes. It may delay the pain for a while, but the cost of government eventually must be paid. Federal borrowing means the cost of interest is added, shifting the burden to a different group

than those who benefited, and possibly even to another generation. Eventually borrowing is always paid for through taxation. All spending ultimately must be a tax, even when direct taxes and direct borrowing are avoided.

The third option is for the Federal Reserve to create credit to pay the bills Congress runs up. Nobody objects, and most Members hope that deficits do not really matter if the Fed accommodates Congress by creating more money. Besides, interest payments to the Fed are lower than they would be if funds were borrowed from the public, and payments can be delayed indefinitely merely by creating more credit out of thin air to buy U.S. treasuries. No need to soak the rich; a good deal it seems for everyone. But is it?

Paying for government spending with Federal Reserve credit instead of taxing or borrowing from the public is anything but a good deal for everyone. In fact, it is the most sinister, seductive ''tax'' of them all. Initially it is unfair to some, but dangerous to everyone in the end. It is especially harmful to the middle class, including lower-income working people who are thought not to be paying taxes.

The ''tax'' is paid when prices rise as a result of a depreciating dollar. Savers and those living on fixed income are hardest hit as the cost of living rises. Low-and middle-income families suffer the most as they struggle to make ends meet while wealth is literally transferred from the middle class to the wealthy. Government officials stick to their claim that no significant inflation exists, even as certain necessary costs are skyrocketing and incomes are stagnating. The transfer of wealth comes as savers and fixed income families lose purchasing power, large banks benefit, and corporations receive plush contracts from the government, as in the case of military contractors. These companies use the newly printed money before it circulates while the middle class and the poor are forced to accept it at face value later on. This becomes a huge hidden tax on the middle class, many of whom never object to government spending in hopes that the political promises will be fulfilled and they will receive some of the goodies. But surprise, it does not happen. The result instead is higher prices for prescription drugs, energy and other necessities. The freebies never come.

The Fed is responsible for inflation by creating money out of thin air. It does so either to monetize Federal debt or in the process of economic planning through interest rate manipulation. This Fed intervention in our country, although rarely even acknowledged by Congress, is more destructive than Members can imagine.

Not only is the Fed directly responsible for inflation and economic downturns, it causes artificially low interest rates that serve the interests of big borrowers, speculators and banks. This unfairly steals income from frugal retirees who chose to save and place their funds in interest bearing instruments like CDs.

The Fed's great power over the money supply, interest rates, the business cycle, unemployment, and inflation is wielded with essentially no Congressional oversight or understanding. The process of inflating our currency to pay for government debt indeed imposes a tax without legislative authority.

This is no small matter. In just the first 24 weeks of this year the M3 money supply increased $428 billion, and $700 billion in the past year. M3 currently is rising at a rate of 10.5 percent. In the last 7 years the money supply has increased 80 percent as M3 has soared $4.1 trillion. This bizarre system of paper money worldwide has allowed serious international imbalances to develop. We own just four Asian countries $1.5 trillion as a consequence of a chronic and staggering current account deficit now exceeding 5 percent of our GDP. This current account deficit means Americans must borrow $1.6 billion per day from overseas just to finance this deficit. This imbalance, which until now has permitted us to live beyond our means, eventually will give us higher consumer prices, a lower standard of living, higher interest rates, and renewed inflation.

Rest assured the middle class will suffer disproportionately from this process.

The moral of the story is that spending is always a tax. The inflation tax, though hidden, only makes things worse. Taxing, borrowing and inflating to satisfy wealth transfers from the middle class to the rich in an effort to pay for profligate government spending, can never make a nation wealthier. But it certainly can make it poorer.

REMEMBERING WHY WE FIGHT

The SPEAKER pro tempore (Ms. HARRIS). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, in the early days of World War II, the government commissioned director Frank Capra to make a series of films that would explain the nature of the war to a hastily mobilized Nation.

Over the course of the next 3 years, Capra produced a remarkable series of films collectively known as ''Why We Fight.'' These films were instrumental in elevating the war from a fight for land and resources to a struggle between the ''free world'' of the Allies and the ''slave world'' of Nazi Germany and Imperial Japan.

As a Nation rooted in an ideology rather than ethnic or geographical identity, the United States has always looked at its wars as ideological conflicts between freedom and tyranny. Our national reluctance to go to war has shaped the prerequisite that when we fight, we do so for a high moral purpose that honors our principles and values.

When he addressed the Congress, the Nation and the world in the wake of the September 11 attacks, President Bush laid out the challenge posed by terrorism. Al Qaeda and radical Islamists, the President declared, attacked us because ''they hate our freedoms, our freedom of religion, freedom of speech, our freedom to vote and assemble and disagree with each other.''

The moral clarity the President expressed nearly 3 years ago has been clouded by the administration's ambiguity over whether the rule of law applied to the prosecution of the war on terrorism or in Iraq. The abuse at Abu Ghraib and the unreviewable and potentially unlimited detention of Americans and others as enemy combatants are incompatible with a Nation born in a struggle against tyranny and caprice.

Last week, three courts in three countries reminded us of what is at stake in the war on terrorism and in our efforts to rebuild Iraq.

In Iraq, Saddam Hussein and the surviving leaders of his government were arraigned for their crimes against the Iraqi people and for crimes against humanity. The sight of the former dictator and his henchmen in a court of law was a glimmer of hope that chaos and bloodshed will one day give way to a better life for Iraq's people.

Here in the United States, the Supreme Court circumscribed the President's power over its own citizens and others when it ordered that Americans and foreigners held as enemy combatants had a right to contest their detention before a neutral arbiter. Expressing confidence that courts would be able to balance individual rights and national security, Justice O'Connor wrote ''that a state of war is not a blank check for the President.''

Perhaps the most extraordinary assertion of principle was made in Jerusalem by the Israeli Supreme Court, which ordered the government to reroute part of the security fence it is building to prevent Palestinian suicide bombers from infiltrating into Israel. In reaching their decision, the Israeli justices conceded that from a military point of view, the alteration might not make protection against terrorism easier. ''This is the destiny of a democracy,'' the court said. ''She does not see all means acceptable, and the ways of her enemies are not always open before her.''

The ways of our enemies are not open to us. We do not behead our adversaries on camera for their families to witness in all its gruesome barbarity. Nonetheless, facing greater foes than we face now, we have prevailed and we will prevail again. At root, the rule of law is the source of our strength in war as it is in peace, and the assertion of the rule of law by courts in Iraq, Israel and here at home is a moving reminder of why we fight and also how we must fight to win the America we cherish.

RELIGIOUS FREEDOM

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. Madam Speaker, I was, like everybody else in the Congress, home during July 4 and enjoyed being back in my district

and meeting the people and listening to the people. I could not help but think that July 4 has different meanings for all of us: Freedom, independence. We think about what July 4 means and has meant to the history of our Nation.

I went back and found an article written in 1995 that was in the Boston Globe by Jeff Jacoby, and he had in the article about the Founders of this great Nation, the writers of the Constitution. I do not know if this is a quote from one of the leaders of that period of time or from Mr. Jacoby, but I want to share it: ''Religion can survive in the absence of freedom, but freedom without religion becomes dangerous and unstable.''

In addition, I would also like to share a quote by Alexis de Tocqueville. Alexis de Tocqueville was a French philosopher and historian who traveled to America in the 1830s, and he was so impressed with this great Nation. He wrote, ''In the end, the state of the Union comes down to the character of the people. I sought for the greatness and genius of America in her commodious harbors, ample rivers, and it was not there. I sought for it in the fertile fields, and boundless prairies, and it was not there. I sought it in her rich mines, and vast world commerce, and it was not there. Not until I went into the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power.''

Madam Speaker, I share that because our churches and synagogues in America are under attack. A lot of people would be surprised with me saying that, but recently the bishop of Colorado Springs, Bishop Sheridan, a Catholic bishop, wrote a three-page pastoral letter to every Catholic in his district. He did not say anything about Bush or KERRY, he did not say anything about Republican or Democrat, but being a Catholic, the Catholic Church stands for protecting the unborn. It is opposed to stem cell research and euthanasia. He said nothing about a party, nothing about a candidate.

But because he used the word ''prolife,'' Barry Lynn of the Americans for Separation of Church and State filed a complaint because this bishop is following the teachings of his church and his belief in Christ. And yet a complaint was filed that would challenge the 501(c)(3) status of that diocese.

It is a sad day in America when we have men and women overseas fighting for freedom for the Iraqis and the American people, and yet the reason why Mr. Lynn filed a complaint was because of code words.

I have introduced a bill, H.R. 235, that would eliminate the Johnson amendment that has put the restrictions on our churches, synagogues and mosques. But in addition to the Johnson law, in the early 1990s the IRS decided to expand the definition of the Johnson law, so now they have code words, and I will submit those later for the RECORD.

Regarding code words, this is what it says. The concern by the Internal Revenue Service is that 501(c)(3) organizations may support or oppose a particular candidate in a political campaign without specifically naming the candidate by using code words to substitute for the candidate's name in its message, such as conservative, liberal, prolife, prochoice, antichoice, Republican, Democrat, et cetera. When this occurs, it is quite evident what is happening, and an intervention is taking place.

What a sad commentary on the greatness of this Nation. From the beginning of America until 1954, there was never any restriction of speech on our churches, synagogues and mosques in this country, never until the Johnson amendment that went through the Senate on a revenue bill, never debated. Now ministers, priests and rabbis have the Federal Government through the Internal Revenue Service looking in on what they have to say when they are before their congregation.

Madam Speaker, I think that is a sad commentary on America. I think it is a sad commentary on those who have worn the uniform for this Nation and fought for freedom for the American people. If this was 1953, I would not be before this House because there would be no problem, there would be no restriction of speech. The first amendment right would be protected for those who speak on behalf of their Lord.

Madam Speaker, I close by saying that I hope that those of us in Congress on both sides of the aisle will do our part to make sure that the first amendment right applies to those who are spiritual leaders of America and protect their rights for which men and women have worn the uniform or are wearing the uniform.

Madam Speaker, I ask God to please bless our men and women in uniform and their families. I close by asking God to please bless America.

□ 1815

ORDER OF BUSINESS

Mrs. JONES of Ohio. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

IN HONOR OF PRIVATE FIRST CLASS SAMUEL BOWEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Madam Speaker, I rise today in honor of one of my constituents who gave the ultimate sacrifice for this country, Private First Class Samuel Bowen. Private Bowen was killed in action yesterday in Iraq. He was a member of the 112th Engineer Battalion of Brookpark. Private Bowen was a resident of the city of Cleveland, a husband, and a father of three children.

Just last month Private Bowen saved the life of a fellow soldier during a rocket attack in Baghdad. I would like to read a portion of an article from today's Cleveland Plain Dealer that includes a quote from the soldier whose life Private Bowen saved.

It reads: ''I cannot believe he was under attack twice in 3 weeks,'' said Ron Eaton, who was rescued by Bowen's heroism June 16 north of Baghdad.

Another quote: ''I just wish that I would have been there for him like he was there for me.''

''He took care of me before he took care of himself, Eaton said. And he said, ''As soon as I got out of surgery, he called me. He told me that he needed to talk with me because I was his battle buddy, and he needed to hear my voice. I can't believe how hard this is.''

Private Bowen is the third soldier lost to the war in Iraq from my congressional district. It has been over a year since we declared major combat operations over in Iraq, yet our young people continue to die in this conflict. My heart aches for all of the families who have lost loved ones during this war.

I have been a vocal opponent of the war in Iraq, as many of my colleagues are aware. I have also been vocal in my support of the military troops over in the Middle East and across the world as well.

I pause today in remembrance of this brave young man, Private Samuel Bowen, who gave his life for our country. May the Lord bless and keep his family during this trying time.

I would ask that my colleagues join me in a moment of silence for Private First Class Samuel Bowen.

I do not pretend to be a great student of the Bible, yet my Sunday school lessons remain cemented in my head. All of those lessons talked about the importance of prayer, and some of them discussed how to pray; that a prayer can be general and that a prayer can be specific. My specific prayer is focused on all of the servicemen and women still serving in Iraq. I pray for their safe return and that the family of each young military men and women be comforted by their faith in God, a mighty God who will never let us down.

There is a passage in the Bible that reads: ''Put on the whole armor of God, that you may be able to stand against the wiles of the devil. For we are not contending against flesh and blood, but against the principalities, against the powers, against the world rulers of this present darkness, against the spiritual hosts of wickedness in the heavenly places. Therefore take the whole armor of God that you may be able to withstand in the evil day, and having done

all, to stand. Stand therefore, having girded your loins with truth, and having put on the breastplate of righteousness, and having shod your feet with the equipment of the gospel of peace; besides all these, taking the shield of faith, with which you can quench all the flaming darts of the evil one.''

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

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

SMART SECURITY AND ACCOUNTABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the administration's war in Iraq has failed. It has failed to make the world a safer place. In fact, I fear that we are actually less safe from terrorism than we were. The world has actually been made less safe and more susceptible to acts of terror.

Who should be held accountable for this mess? The war is not going too well. Nearly 900 brave American soldiers have already lost their lives as a result of this deadly conflict, not to mention the thousands of innocent Iraqi civilians that have been killed. Worse, as many as 25,000 American troops have been evacuated from Iraq for medical reasons, 25,000. That is one-sixth of the number of troops currently stationed in Iraq.

This speaks to a systematic failure of leadership, and, sadly, examples of this failure are widespread and easily recalled: the failure to secure Iraq's borders, the failure to prevent postwar looting, and the failure to provide the security necessary for reconstruction. In fact, the abuse of POWs at the Abu Ghraib prison is yet another example of failed leadership by the Bush administration. And it is also an example of failed leadership in planning for the war and postwar reconstruction in Iraq.

But the most shameful aspect of our involvement in Iraq, our greatest failure of all, is our failure to provide adequately for our soldiers when it comes to equipment, the guidance, and the leadership they need to ensure their survival in Iraq and the success that they need to complete their stay in that country.

We failed to immediately provide our soldiers with the essential tools for their survival, body armor capable of stopping bullets, armor for tanks that would help prevent the destruction of U.S. military convoys, and the necessary water equipment to keep them hydrated in the desert heat. This issue is one that should have been accounted for during the planning phases of the war, not as an afterthought when our troops were stationed halfway across the world.

I ask my colleagues again who should be held accountable for this mess? Should it be Secretary of Defense Donald Rumsfeld, whom President Bush claimed was doing a ''superb job,'' and whom Vice President CHENEY, in an absurd statement, called the best Secretary of Defense in our Nation's history? If Rumsfeld is doing a superb job, if he is the best Defense Secretary in history, then I really want to know who is the worst and what is a bad job.

Rumsfeld's consistent failure to adequately plan for the war in Iraq and the postwar phase, during which the lives of far more American soldiers have been lost than during the war itself, Donald Rumsfeld should resign his post with the best interests of the Nation in mind.

But we must also take heed of the quote made famous by President Harry S. Truman: ''The buck stops here.'' President Bush would be well served to embrace this policy, a policy that served President Truman and our Nation well during an earlier wartime. Secretary Rumsfeld must not be used as a scapegoat for the President's failures.

I have introduced legislation to create a SMART security platform for the 21st century, H. Con. Res. 392. SMART stands for Sensible, Multilateral American Response to Terrorism. Three wonderful organizations, Physicians for Social Responsibility, Friends Committee on National Legislation, and Women's Action for New Directions, helped in writing this legislation.

SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation. And it aggressively invests in the development of impoverished nations with an emphasis on women's health and women's education.

The Bush doctrine of unilateralism has been tried, and it has failed. It is time for a new national security strategy based on our commitment to peace, our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership. Let us be smart about our future. SMART security, H. Res. 392, is tough, is pragmatic, is patriotic, and it will keep America safe.

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

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

ENRON

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

Mr. DEFAZIO. Madam Speaker, just before the July 4 recess, the Democrats on our side of the aisle attempted to offer an amendment to force the Federal Energy Regulatory Commission, chaired by Pat Wood of Texas, appointed by George Bush of Texas, from continuing to conceal documents regarding Enron of Texas and the scandal and the fraud of which Enron has perpetrated upon the people of the Western United States, costing us tens of billions of dollars, a huge runup in our electricity costs, something that is continuing to hurt the economy of Oregon, Washington, and California. All the businesses depended upon energy, small businesses and residential consumers.

The Republicans would not allow that amendment to be debated on the floor of the House because of its kind of embarrassing links between Enron and the Bush administration and the fraud that was perpetrated on the Western United States.

Ken Lay, as the chief executive of Enron, was the mastermind of this fraud. He bilked billions of dollars from millions of people for his own personal profit and that of his executives, and he was finally today brought to justice. We finally saw him in handcuffs on television, and hopefully he will have a long stay in jail, and hopefully he will also have to work during that stay and not just get free room and board, because he has already extracted enough cost from hard-working Americans.

When we asked for a meeting with Vice President CHENEY during the huge runup in prices in the Western United States, we got together; he got together with the Northwest delegation. And he, in response to concerns I raised, said that I was really stupid, and I just did not understand that this had nothing to do with fraud, abuse, or market manipulation. This was all about market forces. I just did not understand markets and that Enron was a leader in markets, and I just did not understand markets, and unless we build one 500-megawatt plant every week for the next 15 years, and this is Vice President CHENEY, the $4,000 megawatt prices, about 100 times normal, would continue forever.

Of course, then we appealed to the Federal Energy Regulatory Commission, seeing that the Vice President's mind was slightly closed on the matter. And the Federal Energy Regulatory Commission, chaired by Pat Wood of Texas, with a couple of other appointees chosen by Ken Lay of Texas, of Enron, refused to look into it. Finally, after additional pressure was raised, they said they would look into it. Then they said, no, it is just market forces. There is no market manipulation.

Then a strange thing happened. The Senate changed hands. When the Senator from Vermont changed to Independent, and the Democrats took over

the Senate, and DIANE FEINSTEIN from California threatened to hold hearings on what was going on in the Western energy market, suddenly the Federal Energy Regulatory Commission reviewed its records and found, lo and behold, there was a scandal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will refrain from referencing individual Senators.

Mr. DEFAZIO. Madam Speaker, certainly. I would not want to mention any individual Senators.

So the Federal Energy Regulatory Commission then suddenly said, oh, no, there is something wrong here. It is a little bit weird that prices are up to 100 times normal. And they reimposed the price caps, which we had during the Clinton administration.

Now we have the tapes of the Enron Corporation, and Ken Lay says he did nothing wrong. The tapes are incredible. The marketers talk about shutting off plants to drive up prices. They talk about gouging Grandma Milly. They talk about getting rid of the Clinton administration, price caps are gone, and Ken Lay is going to run things in this country, and, by God, they are going to make a lot of money. And they did for a while at tremendous pain and cost to the Western United States, all while the Bush administration looked the other way.

Pat Wood of Texas is still in charge of the Federal Energy Regulatory Commission. The Bush administration is continuing to push for more deregulation. They think the only thing that Enron did wrong and the only thing wrong with deregulation is that Enron got caught, because they were having a wonderful time making a bunch of money.

Now it comes that Ken Lay of Texas is the largest single, individual, lifetime contributor to George Bush of Texas, the President of the United States, and he has contributed over his life $139,500 to President Bush. His company contributed $625,000 to President Bush.

I would call upon the President to return these ill-gotten gains, the money that Ken Lay stole from Grandma Milly and others in the Western United States, and to show that he understands and has compassion. He could contribute the money to low-income energy funds in the Western United States to help Grandma Milly, who was taken to the cleaners by Ken Lay of Texas, of Enron, Mr. Bush's best friend, ''Ken Boy'' Lay.

□ 1830

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

(Mr. PEARCE 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 New Jersey (Mr. PALLONE) is recognized for 5 minutes.

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

ORDER OF BUSINESS

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

WAR WITHOUT END

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

Mr. MCDERMOTT. Madam Speaker, another four soldiers died today in Iraq. Families mourn the loss of loved ones. Our Nation mourns the loss of brave soldiers. Over 900 Americans have died in Iraq so far. As many as 10 times that number have been injured. Americans spent $150 billion, and we know tens of billions dollars more will be spent this year. If only one soldier had died, the number would be too high, but the casualties and the grief are much worse.

The truth is we have not even begun to see the casualties of the Iraq war. The truth is that thousands of soldiers will face a lifetime of injury from the war. The truth is we will have not even begun to count the casualties that will come from post-traumatic stress disorder.

The magnitude of the coming casualties among returning U.S. soldiers is staggering. The prestigious New England Journal of Medicine in its most recent issue, which I will enter into the RECORD, gives a glimpse into the coming medical crisis facing our soldiers, families, and the Nation. The journal is known for credibility, thoughtful and factual reporting and analysis. The journal conservatively estimates that one in five soldiers will be afflicted with PTSD. In many cases, the symptoms will not even surface for a year or more. The casualties from the President's war of choice will affect tens of thousands of soldiers. There are 160,000 soldiers in Iraq today. Using the journal's conservative estimate, 30,000 U.S. soldiers will become post-traumatic stress disorder casualties in this war. Most do not even know that they are sick yet. Most do not exhibit any symptoms outwardly and will not for months or years. Tragically, when symptoms do appear, many soldiers will not ask for help.

Call it the tough-guy stigma. Soldiers are trained to be fearless no matter what the danger. Too many consider it a sign of weakness to need help. They will try to suffer in silence, but PTSD is as powerful as an artillery shell. Without help, PTSD can tear too many brave military men and women to shreds psychologically. I know. I was a Navy doctor and psychiatrist who treated soldiers returning from Vietnam with the post-traumatic stress disorder. Gut-wrenching is the only polite way to describe the anguish and suffering these soldiers experienced. Many of them still struggle against the demons of this disease.

As a doctor, you can do everything you can to help. All too often it is not enough, and all too often the only thing you can do is comfort the afflicted. You realize just how inadequate modern medicine is.

Some wonder why I strongly oppose the President's war of choice. Because I have seen the casualties. I have seen the pain inside the mind that no bandage can cover. I have treated the wounded, only to know in the dead of night just how little I and every doctor could do. We wanted to end the suffering. Who would not? We wanted to heal their wounds. Who would not?

Years later, long after the Vietnam War, years later after the media moved on to other issues, PTSD was still there haunting soldiers' minds. I saw it when I was a doctor working and treating prisoners in the King County jail. They include former soldiers who got into trouble because they struggled keeping their emotions under control. They struggled with PTSD. People who had served their country with no prior history of mental illness suddenly found themselves on the wrong side of the law. Were they felons or fallen heroes in need of help? I know what I think.

PTSD preys on the peace and happiness every American deserves, especially those who were drafted to fight in a war which this country came to loathe. After Vietnam, soldiers did not even have the thanks of a grateful Nation. We blamed them for the government's arrogance. It took decades before the wounds of the Nation began to heal. Thousands of names on a wall made us realize how much we had lost, how little we had gained, and how wrong it all was.

At least today America honors our soldiers, even as the opposition to the President's war grows. And it should. We are just beginning to realize the consequences of the President's war of choice. America has about 10,000 soldiers already dead or wounded. We face another 30,000 casualties. The wounds have already been inflicted. They are just not visible yet.

And they wonder why I strongly oppose the President's war of choice. The administration keeps inventing new reasons why we had to invade Iraq. They cannot even explain why 10,000 have already suffered or why 30,000 more will.

This is not about my opposition to the war, though. This is about preparing to help the men and women coming home from war. This is about

honoring our soldiers by facing the truth about the coming wave of casualties here at home from PTSD. This is about a call to action in every city and town across America and in every home and every workplace. We must help them.

This is about a call to action in every city and town across America, in every home, in every workplace, PTSD is as real, as painful, as devastating as any shrapnel wound. If the effects could be seen like a bullet wound, we'd race the patient to the hospital for immediate care.

But PTSD doesn't work that way. It's silent. It's almost invisible. It's a war raging inside a person and we have to help. We can help by debunking the tough guy stigma. We can help by talking, listening and watching for signs of stress as our loved ones come home. We must help by demanding that the Veteran's Administration receives the funding to treat our returning soldiers. It's not a one-year supplement.

It is the recognition of the long-term consequences of the Iraq War. It is the commitment to treat our soldiers afflicted with PTSD with the best possible care for as long as necessary—and it will be years for many.

Every night the evening news graphically shows us the latest casualties and consequences of this war. It's awful. It didn't have to happen. And the overwhelming number of casualties are ahead of us, not mission accomplished. Before it is over, Iraq's casualties will top 40,000 U.S. soldiers. For what? Nothing at all.

[From The New England Journal of Medicine, July 1, 2004]

ACKNOWLEDGING THE PSYCHIATRIC COST OF WAR

(By Matthew J. Friedman, M.D., Ph.D.)

The date presented by Hoge and associates in this issue of the Journal about members of the Army and the Marine Corps returning from Operation Iraqi Freedom or Operation Enduring Freedom in Afghanistan force us to acknowledge the psychiatric cost of sending young men and women to war. It is possible that these early findings underestimate the eventual magnitude of this clinical problem. The report is unprecedented in several respects. First, this is the first time there has been such an early assessment of the prevalence of war-related psychiatric disorders reported while the fighting continues. Second, there are predeployement data, albeit cross-sectional, against which to evaluate the psychiatric problems that develop after deployment. Third, the authors report important data showing that the perception of stigmatization has the power to deter active-duty personnel from seeking mental health care even when they recognize the severity of their psychiatric problems. These findings raise a number of questions for policy and practice. I focus here on post-traumatic stress disorder (PTSD), because there is better information about this disorder than about others and because PTSD was the biggest problem noted in the responses to an anonymous survey among those returning from active duty in Iraq or Afghanistan.

The rigorous evaluation of war-related psychiatric disorders is relatively new, having begun with the National Vietnam Veterans Readjustment Study. This national epidemiologic survey of male and female veterans of Vietnam was conducted in the mid-1980s. The veterans were therefore assessed 10 to 20 years after their service in Vietnam. The prevalence of current PTSD was 15 percent among men and 8 percent among women. The lifetime prevalence of PTSD was higher—30 percent among male veterans and 25 percent among female veterans.

A retrospective cohort study of veterans of the Gulf War that was conducted between 1995 and 1997 showed a prevalence rate of 10.1 percent for PTSD among those who had experienced combat duty, in contrast to a prevalence rate of 4.2 percent in a matched cohort of Gulf War-era veterans who had not seen combat. The adjusted odds ratio for PTSD for those who had been in combat was 3.1; this is similar to the odds ratios in the present study of 2.84 for soldiers and 2.66 for Marines after deployment to active duty, as compared with soldiers before deployment.

In a longitudinal study of New England veterans of the Gulf War, the prevalence of PTSD more than doubled between the initial assessment performed immediately after their return to Fort Devens, Massachusetts, and the follow-up assessment performed two years later. The rates increased from 3 percent to 8 percent among male veterans and from 7 percent to 16 percent among female veterans. Higher levels of symptoms have been reported among members of the National Guard and the Reserves than among active-duty personnel.

Finally, a retrospective survey of American male and female soldiers deployed to Somalia between 1992 and 1994 showed an estimated prevalence of PTSD of approximately 8 percent, with no difference according to sex. When the focus of this mission shifted from a United Nations' humanitarian peacekeeping operation to a more traditional military deployment to subdue to Somali warlords, there was greater exposure to traumatic situations and a higher prevalence of PTSD among the American troops.

It is unclear at this time whether the prevalence of PTSD among those returning from Operation Iraqi Freedom or Operation Enduring Freedom will increase or decrease. On the one hand, it is encouraging that the Department of Defense has been active in providing mental health care in the war zone and psychiatric resources in the United States and has demonstrated a commitment to monitor psychiatric disorders, as reflected by the present report. Furthermore, the findings of the National Vietnam Veterans Readjustment Study suggest that considerable recovery for PTSD among veterans is possible, as shown by the difference between the lifetime and the current prevalence of this disorder.

On the other hand, the National Vietnam Veterans Readjustment Study cannot tell us whether the onse of PTSD occurred while Vietnam veterans were still in uniform or at some time later, during the 10 to 20 years between their exposure to war and the survey for the study. Indeed, there is reason for concern that the reported prevalence of PTSD of 15.6 to 17.1 percent among those returning from Operation Iraqi Freedom or Operation Enduring Freedom will increase in coming years, for two reasons. First, on the basis of the findings of the Fort Devens study, the prevalence of PTSD may increase considerably during the two years after veterans return from combat duty. Second, on the basis of studies of military personnel who served in Somalia, it is possible that psychiatric disorders will increase now that the conduct of war has shifted from a campaign for liberation to an ongoing armed conflict with dissident combatants. In short, the estimates of PTSD report by Hoge and associates may be conservative not only because of the methods used in their study but also because it may simply be too early to assess the eventual magnitude of the mental health problems related to deployment to Operation Iraqi Freedom or Operation Enduring Freedom.

A recent reanalysis of the data from the National Vietnam Veterans Readjustment Study and the Hawaii Vietnam Veterans Project suggest that after the development of PTSD, the risk factors for persistent PTSD are ''primarily associated with variables relating to the current time frame: current emotional sustenance, current structural social support, and recent life events.'' This information is clearly useful for mental health policy and planning, because it raises the hopeful possibility that PTSD may be reversible if patients can be helped to cope with stresses in their current life.

There are obviously important distinctions between the period after the Vietnam War and the present. Americans no longer confuse war with the warrior, those returning from Iraq or Afghanistan enjoy nation support, despite sharp political disagreement about the war itself. In addition, the field of study of PTSD has matured to the point where effective evidence-based treatment and practice guidelines are available for use by the Departments of Defense and Veterans Affairs and by civilian mental health practitioners. Cognitive—behavioral therapies have been successful in the treatment of PTSD, and two selective serotonin-reuptake inhibitors have been approved by the Food and Drug Administration. Practitioners in the Departments of Defense and Veterans Affairs are sophisticated and strongly motivated to continue to improve their skills in treating PTSD. Collaboration between mental health professionals in the Department of Defense and those in the Department of Veterans Affairs is at an all-time high. For example, the Veterans Affairs National Center for PTSD and the Defense Department's Walter Reed Army Medical Center collaborated to develop the Iraq War Clinician Guide (available at www.ncptsd.org/topics/war.html) and to conduct a multisite, randomized trial of cognitive—behavioral therapy for PTSD among female veterans and female active-duty personnel.

In the best-case scenario, active-duty, Reserve, and National Guard personnel as well as veterans of Operation Iraqi Freedom or Operation Enduring Freedom with symptoms of PTSD will take advantage of the many mental health services available through the Departments of Defense and Veterans Affairs. Educational initiatives will be implemented to help veterans and active-duty personnel recognize that the loss of social support or the effect of recent adverse life events may precipitate a return of the symptoms of PTSD. Veterans and active-duty personnel will also be encouraged to monitor their psychological health and to seek treatment if and when it becomes necessary.

Alas, there is also a worst-case scenario that demands immediate attention. Hoge and associates report that concern about possible stigmatizaion was disproportionately greatest among the soldiers and Marines most in need of mental health care. Owing to such concern, those returning from Operation Iraqi Freedom or Operation Enduring Freedom who reported the greatest number of the most severe symptoms were the least likely to seek treatment for fear that it could harm their careers, cause difficulties with their peers and with unit leadership, and become an embarrassment in that they would be seen as weak.

These findings are consistent with those in an earlier report that showed low use of mental health services among Navy and Marine Corps personnel. In contrast to a rate of 28.5 percent among male civilians with a psychiatric disorder who sought

treatment, only 19 percent of servicemen with a psychiatric disorder sought treatment, Furthermore, among military personnel with PTSD, the rate of seeking treatment was only 4.1 percent, which is substantially lower than that for other psychiatric disorders. This finding may indicate that within the military culture, ''succumbing'' to PTSD is seen as a failure, a weakness, and as evidence of and innate deficiency of the right stuff.

Hoge and associates suggests that the perception of stigmatization can be reduced only by means of concerted outreach—that is, by providing more mental health services in primary care clinics and confidential counseling through employee-assistance programs. The sticking point is skepticism among military personnel that the use of mental health services can remain confidential. Although the soldiers and Marines in the study by Hoge and colleagues were able to acknowledge PTSD-related problems in an anonymous survey, they apparently were afraid to seek assistance for fear that scarlet P could doom their careers.

Our acknowledgment of the psychiatric costs of war has promoted the establishment of better methods of detecting and treating war-related psychiatric disorders. It is now time to take the next step and provide effective treatment to distressed men and women, along with credible safeguards of confidentiality.

SOURCE INFORMATION

From the National Center for PTSD, Department of Veterans Affairs, White River Junction, Vt.; and the Departments of Psychiatry and Pharmacology and Toxicology, Dartmouth Medical School, Hanover, N.H.

HONORING RACHEL GRANGER AND KYLE BAKER

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

Mr. BRADLEY of New Hampshire. Madam Speaker, I rise this evening to pay tribute to two New Hampshire residents. First, I pay tribute to a New Hampshire resident who recently passed away after fighting a long battle against a tough and debilitating illness. Rachel Granger died on Saturday, June 5, after a brave fight with Lou Gehrig's disease, or ALS. ALS is a fatal neurodegenerative disease that leaves its victims paralyzed, but still mentally alert.

On average, a person who has been diagnosed with ALS will die within 2 to 5 years of diagnosis, and 50 percent of patients die within 18 months. ALS is truly one of the most debilitating diseases to affect patients and their families.

In the last few months of her life, Rachel was unable to speak and to enjoy many of the activities she once loved, such as needlepoint and boating on Lake Winnipesaukee.

Rachel showed tremendous courage in attending a town meeting I hosted in Wolfeboro last year. Though she was afflicted with ALS and had many difficulties with mobility, she wanted to attend the meeting in order to shed light on a problem that affects thousands of other terminally ill patients. Rachel was having trouble getting her Social Security disability claim processed in enough time to actually receive any benefits before she passed away.

Her courage to bring this problem to my attention has encouraged me to work with my colleagues and the Social Security Administration to address this situation for all terminally ill patients. Rachel's determination to help others who face the same situation is commendable and inspiring. Rachel's friends remember her as someone who was full of life and always made others laugh, despite her physical handicap.

I am fortunate to have met Rachel during her lifetime and have been able to share in some of her triumphs and tragedies. Her courage and determination should not, and will not, be forgotten.

Madam Speaker, the second New Hampshire resident I rise tonight to honor is Kyle Baker of Milton. Mr. Baker is the national winner in the 2004 Veterans of Foreign Wars' Voice of Democracy Scholarship contest. This contest is held each year to give high school students the opportunity to voice their opinion on their responsibility to our country. The following is Mr. Baker's essay:

''It is a bright summer day, and a soft breeze gently whispers through the maple leaves. A little boy is playing alone in the driveway at his grandmother's house. Above him the American flag billows and waves, trying to remove itself from its anchor at the top of the flagpole and drift down in front of him to make its presence known. The boy plays on, not realizing what it took to keep that flag flying high.

''A few years later, on the 11th of September, 2001, the same boy, now a bit older, stares at the television in shock and disbelief. He watches as the towers collapse, ending so many lives and bringing anguish to so many families. The boy's classmates sitting all around him reflect in their eyes the desperation, sorrow and helplessness the boy himself feels. He realizes at that moment how precious the freedoms are that he sometimes takes for granted. He realizes what a privilege it is to live in America, and that the future of his country is now changed forever. He goes home that night wondering what he can do for his country at such a time of loss, what commitment can he possibly make to the future of America after such a tragedy:

''Now it is July of 2003, and the boy stands in front of the Vietnam Memorial seeing 'The Wall' for the very first time. He is overcome by how many names there are. He walks solemnly and slowly, passing by the countless flowers, letters, photographs, even teddy bears left at the wall by the families of the fallen. He wonders if some of the people walking near him are searching for one of the names, an uncle maybe, or even a father. He can picture a young man only a few years older than himself, crouching, frightened in the thick jungle brush, wondering if he will ever come home. He can picture this young man removing a photograph wrapped in plastic from his pocket. It is a photograph of the young man's high school girlfriend, the same girl this man had decided he would ask to marry as soon as he came home from the war. 'Be mine forever,' he would have undoubtedly said as he kissed her good-bye. 'Was it their last good-bye,' the boy wonders? 'Was this young man's name engraved here on the wall somewhere?'

''The boy walks on, gazing at panel after panel, feeling sadness, but also an immense gratitude with the passing of each and every name. He reads the names, trying to imagine what each man might have looked like. He wonders how many children they might have had or whether or not they, like the other young men he pictured, left a sweetheart behind when they went to fight for their country. So many names. So many faceless reminders of the highest commitment one can fulfill.

''The boy keeps moving slowly, when something at the foot of the wall catches his eye. He bends down to look, and there sits a small American flag, resting amongst a bouquet of flowers. Tears well up inside of him for a moment, and the boy can think of only one thing that he can do to show his appreciation for those lives reflected in the marble. He places one hand on a panel, closes his eye, and whispers 'thank you.'

It is October 22, 2003, and that same little boy who used to play in the driveway at his Grandma's house underneath a billowing American flag sits in a classroom, wondering how he can write about his commitment to America's future. He wonders whether or not he should promise to do great things with his life, or whether or not he should tell the story of someone else who had. Yes. That little boy is me.

Upon preparing for this essay I realized that it would not do to recite the words of our country's great leaders or prominent citizens, regardless of how moving and profound those words may be. I realized that this essay was not about how much research I had done, or how much I knew about the political structure of our nation. No. I realized that this time I needed to convey what I considered to be my commitment to America's future, using my own words, and expressing my own feelings. Well, here is what my commitment to America's future is. My commitment to America's future is simply to remember America's past.

I will remember our fallen heroes, those brave souls who paid the ultimate price to ensure the safety of future generations. I will remember those that live on, continuing with the task bestowed upon them by the voices of days gone by. I will never lose sight of all that it took to provide me with the freedoms that I once took for granted, and I do not, and should not, stand alone with my commitment. When I see the flag in Grandma's driveway

billowing proud and tall in the same soft breeze, I am reminded of why that flag is still flying. This is my commitment to America's future, and it is something that not only I, but all of us, as Americans, must never forget.

The SPEAKER pro tempore. Under a previous order of the house, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

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

CONCERN ABOUT DEMOCRATIC VICE PRESIDENT NOMINEE

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

Mr. MICA. Madam Speaker, I come before the House tonight as a Member of Congress concerned about the impending Presidential race and particularly concerned about the Vice Presidential nominee chosen this week by the Democrat nominee for President.

I am very concerned, Madam Speaker, because the choice that has been made is a divider rather than a uniter, and I think we are about to engage in a debate that will determine who will lead us for the next 4 years. I am very concerned that someone has been chosen that has talked about two Americas, and that is a great concern to me, the framing of this debate around two Americas.

Quite frankly, Madam Speaker, I am concerned about two Americas. I am concerned about giving access and a platform to the trial lawyers in America, a stage and the ability to launch their efforts, which is unprecedented in the history of our Republic.

I see two Americas. A lot of trial lawyers, attorneys are my best friends, but I see an America with a few trial lawyers who have benefited greatly and substantially financially, and I see an America in which the rest of us have paid and are paying every day for what those trial lawyers have done to our society and our country.

This is a very serious issue because we are going to decide in this campaign if we continue to let trial lawyers have two Americas, where a few benefit, and then we all pay.

□ 1845

I do not know any American that has been paying lower hospital bills or lower medical care costs. And if we look at the root of the higher costs, it is because of the system that has evolved. A few are suing, and a few are benefiting. I am very concerned about what I see for health care costs and, in manufacturing, the jobs that have been driven out of this country. I come from the business sector. I am so pleased I am not in business because of the threat of lawsuits today.

Everything we do in our society now, the cost is dramatically affected; not just prescription drugs or health care, access to health care, but also manufacturing, our ability to compete in the world. Sometimes we compete on a wage basis, but when we look at lawsuits, I will give two examples.

One, the only bill that we overrode when President Clinton was in office was one in which we attempted to do something about civil aircraft manufacturing. We were losing it in the United States, and we had lost most of it. We did override a veto, and we did restore some civil aviation manufacturing. However, we have lost all regional jet manufacturing, lost 50 percent of the large aircraft manufacturing. If we look around the States, North Carolina, the South, the North, Ohio, we see manufacturing closing down, because we would not want to manufacture in the United States when we can take that activity outside the United States.

Another example is Orlando Helicopter, in my own backyard in central Florida. It does not exist anymore. They moved to South America and China. Why? Because of liabilities.

So I see two Americas. I see an America where we may have a great opportunity for people to get health care at affordable costs, I see opportunity where we can expand jobs and have great economic opportunity, but I do not see it with, unfortunately, the Democratic nominee who is being brought forth.

What concerns me, too, having just survived 2 years ago a $5 million unprecedented election by a contestant who was a trial lawyer who spent $5 million to oust me from office, I see that same onslaught of funds coming in to try to capture the second highest office in our land. I see two Americas, and I see one that does concern me.

STOP PLAYING GAMES WITH AFRICA

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Madam Speaker, as we mark the first anniversary of the President's historic tour of Africa, we cannot help but wonder when, if ever, the government of this country will end the ''promise game'' they are so adept at playing with the peoples of Africa.

The administration's whirlwind, 1-week tour was ostensibly undertaken in pursuance of a policy ''to work with others for an African continent that lives in liberty, peace, and growing prosperity.'' It offered a laundry list of financial aid and development initiatives that could wipe out its poverty and dependence.

It is up to us to insist that the promises are kept and not relegated to unfunded programs for Africa, so characteristic of compassionate conservatives.

Startled by the realities of the HIV/AIDS pandemic, a threat potentially more devastating than global terrorism, the administration announced a tripling of its relatively modest commitment to battling the spread of the dreaded disease in Africa. The proposed $15 billion appropriation over the next 5 years in a region in which the pandemic has infected more than 30 million people, a tenth of them being children under the age of 15, is a drop in the bucket compared to the several billions we are committing annually to the pursuit of geopolitical strategies of a significantly less danger to the world at large.

But as generous and noble as this initiative is and touted to be, it is subject to political strings and is actually presented as another means of imposing our ideological concepts on the suffering people of Africa.

The other priority of the administration's African policy is the so-called advancement of political and economic freedom. Considering the means by which this government sat itself in power, it remains a source of wonder that they have had the unmitigated gall to propose to lecture any other state, least of all ancient African kingdoms, on the arts of governance and the democratic path to freedom.

The supposedly well-intended African Growth and Opportunity Act, known as an AGOA, is designed to build trade capacity with Africa and will, no doubt, be renewed and extended. Yet its full effect may never be realized until its implementation is not limited to those African nations that place themselves under the thumb of U.S. business interests.

The administration's third African policy priority is, they say, to create peace and regional stability. This would and could have been a lofty goal in itself had it not been proffered by an administration whose overall relations with other nations is based on a doctrine of preemptive aggression and regime change by violent external force.

We of the Congressional Black Caucus have been dubbed the conscience of this Congress. It is our duty to watch over the actions and activities of this government and to insist that, in words as well as in deeds, the interests of our constituency primarily and of the Nation ultimately are served.

In closing, Madam Speaker, our priority, therefore, is to ensure that the advantageous promises made to Africa are kept, and that every cent committed is spent as appropriated; that this and every other administration become fully convinced that its appropriations to Africa are not charitable contributions, but at least are reparations for past exploitations and, at the most, investments in the prosperity of Africa's people and all of the world.

CONGRESSIONAL RECORD PROVES USEFUL FOR PRESERVING REMARKS

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

Mr. BURGESS. Madam Speaker, we have heard from several people tonight on the other side of the aisle who spoke out against the activity in Iraq and said that they were opposed to the activity in Iraq, and that is their right, their privilege, their obligation to do so.

Madam Speaker, I was not here when the Congress voted on authorizing the use of military force in the country of Iraq. I think had I been here that I would have voted in favor of that use of military force, but that is merely speculation. I was not here.

But, Madam Speaker, I think it is useful to go back in the CONGRESSIONAL RECORD and read the remarks of people who were here who had those debates, who had to work through those issues, and who did then ultimately vote for the use of force in Iraq.

I quote the CONGRESSIONAL RECORD from September 12, 2002, where an individual said, ''I firmly believe the issue of Iraq is not about politics, but it is about national security. We know or have known for at least 20 years that Saddam Hussein has aggressively and obsessively sought weapons of mass destruction by any means available. We know that he has chemical and biological weapons today. He has used them in the past, and he is doing everything he can to build more. Each day he inches closer to his long-term goal of a nuclear capability, a capability that could be less than a year away. I believe,'' this speaker said, ''I believe that Saddam Hussein's Iraqi regime wants a clear threat to the United States, to our allies, to our interests around the world, and to the values of freedom and democracy that we hold dear.''

Madam Speaker, this individual went on to say, ''Saddam has proved his willingness to act irrationally and brutally against his neighbors and against his own people. Iraq's destructive capability has the potential to throw the entire Middle East into chaos and poses a moral threat to our vital allies. Furthermore, the threat against America is all too clear. Thousands of terrorist operatives around the world would pay anything to get their hands on Saddam's arsenal.''

The speaker went on to say, ''There is every possibility that he could turn those weapons over to terrorists. No one can doubt that if the terrorists had had weapons on September 11, had had those weapons of mass destruction, they would have used them. On September 12, 2002, we can hardly forget the terrorist threat and the serious danger that Saddam would allow his arsenal to be used. Iraq has continued to develop its arsenal in defiance of the collective will of the international community as expressed through the United Nations Security Council. It, Iraq, is violating terms of the cease-fire that ended the Gulf War and is ignoring as many as 16 United Nations Security Council resolutions, including 11 resolutions concerning Iraq's efforts to develop weapons of mass destruction. These U.N. resolutions are not unilateral American demands; they involve obligations that Iraq has undertaken to the international community. By ignoring them, Saddam Hussein is undermining the credibility of the United Nations.''

Let me repeat that.

''By ignoring them, Saddam Hussein is undermining the credibility of the United Nations openly and openly violating international law and making a mockery of the very idea of international collective action.''

Madam Speaker, this individual on September 12 of 2002 wrapped things up with the very concise statement that goes on to say, ''The path of confronting Saddam is full of hazards, but the path of inaction is far more dangerous. This week, a week before we remember the sacrifice of thousands of innocent Americans made on 9/11, the choice could not be starker. Had we known that such attacks were imminent, we surely would have used every means at our disposal to prevent them and to take out the plotters.''

Well, Madam Speaker, unfortunately, these words were spoken by a Member of the other body, and the decorum of the House prevents me from properly attributing them, but most people would recognize the speaker of these words as the man who has recently been designated for the second highest office in this land, the Democratic, purported Democratic nominee for Vice President of the United States.

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.)

ORDER OF BUSINESS

Mr. SMITH of Michigan. Madam Speaker, I ask unanimous consent to proceed with my 5 minute at this time.

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

There was no objection.

A TRIBUTE IN HONOR OF ROLLAND ''BOB'' LYONS OF ANN ARBOR, MICHIGAN

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

Mr. SMITH of Michigan. Madam Speaker, I rise this evening to honor and remember Rolland ''Bob'' Lyons, who lost his struggle with cancer June 17, 2004.

Bob was born in Ann Arbor, Michigan, and lived in several Michigan cities before graduating from Kalamazoo High School in 1948. He served his country in Korea as a second lieutenant in the Army. A graduate of the University of Michigan, he founded the Michigan Trenching Service, Incorporated, and became a prime contractor for service companies. Although he was a highly successful businessman, he humbly referred to himself as ''just a ditch digger from Ann Arbor.''

Bob Lyons inspired optimism and a community-minded spirit that has left a lasting mark on those who were fortunate enough to have known him. Bob's commitment to improving society can be seen through his membership on the Mackinac Center Board of Directors. However, he will best be remembered, I think, for his boundless energy and commitment to numerous causes: Cleary University, St. Joseph Hospital, the Boy Scouts, the Hands On Museum, and many, many others.

Bob Lyons' humor and outgoing personality made him a natural at fundraisers and political events where he was a regular. He recruited, encouraged, supported and helped elect many political candidates.

Bob was passionate for his causes and was a role model for all of us who seek to improve our communities and our country. Thank you, Bob, for all you did for us. You will be remembered fondly. We offer our condolences to your beloved wife Jan, daughter Suezahn, son Rob. Bob, your service to your community and your country will be remembered.

□ 1900

HONORING Doug Bereuter

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. OSBORNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. OSBORNE. Madam Speaker, at this time we would like to honor the gentleman from Nebraska (DOUG BEREUTER), who is from the First Congressional District. I would like to begin the Special Orders by recognizing the gentleman from California (Mr. THOMAS), who is the chairman of Committee on Ways and Means and who graciously arranged this hour for us.

Mr. THOMAS. Madam Speaker, I want to thank the gentleman from Nebraska (Mr. OSBORNE) because those of us who came in the 96th Congress in 1979, and I see my friend and colleague, the gentleman from California (Mr. LEWIS), is with us who was a member of that class, there were 77 of us, both Democrats and Republicans who came. And when you come in the same class, you then have seniority established alphabetically.

So you need to understand that from the first day DOUG BEREUTER was envied by me for the seniority which he achieved immediately in the House. However, the years, and it is now 25, DOUG and Louise and my wife, Sharon, and I have gotten to know each other in a way that you can say that we are colleagues. We professionally deal with a number of issues, but probably as much as any other person in the House, DOUG is a friend, and I admire him so much.

If you look at his background, rarely is anyone as prepared as he was to take on the responsibilities as a Member of the House of Representatives. And then when you look at what he has done and the manner in which he has done it, I admire him so much for the professionalism that he has brought to this House. And I know that as he now decides to go a different way, and Louise leaves her home by the river and they move into other activities, that Sharon and I will keep in touch with them because the memories that we have shared will be renewed as he moves on.

I will conclude, I will tell the gentleman from Nebraska (Mr. OSBORNE), by saying this: Republicans have now been in the majority for a decade. Some of us have been privileged to be able to chair committees in this great body. I can without refutation say that up to this point the most well-qualified mind-set approach, Member of the majority not to be able to be a chairman is DOUG BEREUTER. It saddens me. Although he has done a marvelous job in his professional career here in the House, in a number of committee assignments, I want to underscore that DOUG BEREUTER should have been a chairman of a full committee.

He and I will lament that over drinks in a number of countries over the next few years as we continue to share our lives in many ways. I am saddened to see DOUG go, but I am not sad because I get to move up one spot in seniority. I thank the gentleman very much.

Mr. OSBORNE. I thank the gentleman for his comments. I know Mr. BEREUTER appreciates very much those comments as well.

At this time, I would like to yield to the gentlewoman from California (Mrs. TAUSCHER), and I appreciate her participation in this Special Order.

Mrs. TAUSCHER. Madam Speaker, I rise today to pay tribute to one of the finest Members of this institution, DOUG BEREUTER of Nebraska. After 26 years of service, DOUG is retiring from the House to be the president of the Asia Foundation, and this body will not be the same without him.

In his time in the House of Representatives, Madam Speaker, DOUG BEREUTER has embodied the best of public service. His commitment to his constituents and his Nation has never waivered. While staying true to his values, he has worked across party lines to achieve compromise and advance sound public policy. He is known all over Capitol Hill as a man with strong convictions but even stronger commitment to working in a bipartisan, collegial manner and a dedication to doing good.

DOUG BEREUTER is a committed internationalist who understands that in this world of ever increasing globalization, it is essential that our Nation maintain strong relationships around the world. DOUG has dedicated a significant part of his career to improving international cooperation, and he is known and respected around the world.

I have had the opportunity to travel with DOUG and Louise Bereuter as a member of the NATO Parliamentary Assembly. I have been very impressed by his knowledge of our European allies and his grasp of the issues the alliance faces. I have seen the ease with which he relates to foreign leaders. And I have also seen the grace with which he conducts diplomacy.

On a very personal note, and I am sure to the great good news to my colleagues from California, I am pleased to tell you that not only will DOUG and Louise be relocating to the San Francisco Bay area, they are moving not only to my district but my home town. So I have the blessing of not losing DOUG and Louise completely. Although he has a very nonpartisan job, I believe that they will enjoy living in my town, and it is a beautiful place indeed. And we will be very, very blessed to have them. They will add greatly.

Louise is especially someone I have gained tremendous appreciation for. She is an artist, a great mom and a great grandmother; and I am happy to say that we are proud to have DOUG BEREUTER and Louise Bereuter moving to California. We are happy to have his service to the people of Nebraska and our Nation, and I wish him the best of luck. When he sees the gentleman from California (Mr. THOMAS), he will be drinking California wine.

I thank the gentleman from Nebraska (Mr. OSBORNE) for hosting us.

Mr. OSBORNE. Madam Speaker, I thank the gentlewoman for her comments.

At this time I would like to call upon the gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Madam Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) very much for yielding to me. I must say to the coach that he has always associated himself with class throughout his career. I can see he is doing this one more time by handling this Special Order on behalf of a wonderful Member of the House of Representatives.

DOUG BEREUTER is one of the classiest people to have ever served in this place. As my friend, the gentleman from California (Mr. THOMAS), suggested, there are few and far between those who have his kind of class.

The gentleman from California (Mr. THOMAS) and I came to Congress with DOUG. At that point, there were 79 Members in our class as freshmen; 10 of us remain. And, indeed, as DOUG leaves us, all who remain will remember him for as long as we can possibly maintain contact.

California is a long ways for some, but it is not very far for several of us. It is my intention as I visit my grandchildren up north, to certainly come visit DOUG and Louise and remember the times we had together way back when, several years ago when we arrived here in the House of Representatives.

DOUG BEREUTER is one of those classic Members for a number of reasons, not the least of which is the leadership that he has demonstrated in the field of foreign affairs. He is a Member of the House during my service here who has, from at least a Republican perspective, caused our caucus to focus in a way that recognizes that we are living in a shrinking world. And it is very, very important in that arena not to dwell upon partisan politics alone, recognizing that whoever the Commander in Chief is, whoever the President of the United States is, as we leave this country we need to speak in one voice on behalf of country.

In a very special way, he penetrated our caucus in connection with that understanding. DOUG BEREUTER is a person who I very much regret see leaving the House. But as he goes forth on his work on the part of the Asia Foundation, he will have a special way of communicating there as well, I am certain.

DOUG's impact here in the House of Representatives now will have a very special impact upon a very important part of the world, as we all know Southeast Asia is such a significant part of our future.

To my friend, the gentleman from Nebraska (Mr. OSBORNE), I really want him to know how much we appreciate his taking this time, this special effort to pay tribute to our mutual friend. It is a pleasure to be here with him.

Mr. OSBORNE. Madam Speaker, I thank the gentleman very much. I know Mr. BEREUTER will particularly appreciate the gentleman's comments.

At this time, I would like to yield to the gentleman from Tennessee (Mr. TANNER), who has shown great patience, endurance, who has even delayed a medical procedure to help us tonight. So we are honored to have him with us.

Mr. TANNER. I thank the gentleman. I wanted to be here tonight because I

think so highly of DOUG and Louise Bereuter. I have had the privilege of traveling with DOUG and Louise, Betty and I have for the last 8 or 10 years, to the NATO Parliamentary Assembly, which is arguably now in this age of worldwide global terrorism, one of the stronger links that we have with Europe, one of the most important relationships we have with respect to international cooperation and international help as it relates to our foreign policy.

I must tell Members, I know DOUG has been a terrific representative for the people of Nebraska while he has served here in the House, but he has made an enormous contribution to this country. As my friend, the gentlewoman California (Mrs. TAUSCHER), said earlier, his diplomacy and his ability to relate with legislators, parliamentarians from other countries around the world, and particularly in the time that I have been with him in Europe, is something that is going to be sorely, sorely missed.

We need the cooperation, respect and the help of other countries as we attempt to lead the world in this war of international terrorism. DOUG BEREUTER has made a contribution presently serving as President of the NATO Parliamentary Assembly. And I want to pick up on something the gentleman from California (Mr. LEWIS) said. When we go to Europe to the NATO meetings, DOUG does not go as a Republican. I do not go as a Democrat. We go as American parliamentarians, American Members of Congress, to try to further our country's interests abroad.

He was a quintessential and is a quintessential salesman, a man who is respected not so much because they always agree with him or us, but because he always treats people with the kind of kindness, understanding, and commitment to their point of view that we expect them to extend to us. And so I just wanted to come tonight and say thanks in this formal way to DOUG and Louise for their many years of service to our country and particularly for their leadership within the European sphere.

He is moving on now to the Asia Foundation, and I would hope and I know that his service there will be as rewarding and as fruitful to the country, to his country, to our country as his time serving in Europe has been.

I thank the gentleman from Nebraska (Mr. OSBORNE) for hosting us tonight in this tribute to DOUG. We appreciate it very much.

Mr. OSBORNE. Madam Speaker, I thank the gentleman very much. I appreciate his comments.

At this time, I would like to yield to the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations.

Mr. REGULA. Madam Speaker, I wanted to thank the gentleman from Nebraska (Mr. OSBORNE). He is a good neighbor to DOUG, and he is doing a great service to bring and have this Special Order.

I would like to begin my tribute to the service of DOUG BEREUTER by quoting a noted Irish statesman and philosopher, Edmund Burke, who said: ''Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.''

This quote reflects the hallmark of DOUG BEREUTER's service to his constituents and his country.

□ 1915

He has brought integrity and leadership to his service in the Congress and the people of Nebraska have been well-served by his dedication to effective government.

On a personal note, Mary and I treasure the friendship of DOUG and Louise. We have been with them on their little farm out in Nebraska. It has been a wonderful relationship to have them as friends over the years.

It has also been a special privilege to be part of a U.S. delegation to the NATO Parliamentary Assembly under the very capable leadership of DOUG. I am pleased today to join my colleagues in wishing DOUG Godspeed in his new challenge for service to our Nation.

Mr. OSBORNE. Madam Speaker, I thank the gentleman for his comments and appreciate his patience in being here this evening. At this time, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman for yielding. I appreciate his taking out this Special Order tonight to honor our colleague DOUG BEREUTER, retiring after 26 years of distinguished service in this body.

I first got to know DOUG as a thoughtful and productive Member of the House Committee on Banking soon after my arrival here, but I soon came to admire him even more for his knowledge and his involvement in foreign affairs. He is now completing his 22nd year on the Committee on International Relations where he chairs the Subcommittee on Europe. He is in his 10th year of service on the Permanent Select Committee on Intelligence where he chairs the Subcommittee on Intelligence Policy and National Security and serves as vice-chair of the full committee.

For most of his congressional career, DOUG has made it his business to understand the foreign policy challenges facing our country, and he has made enormous contribution to the House's capacity for and exertion of international leadership. He has earned the respect of Members on both sides of the aisle and among his counterparts in other parliaments. He has been a delegate to the NATO Parliamentary Assembly since 1986. He has led the U.S. delegation since 1995, and he was elevated to the presidency of the assembly 2 years ago.

DOUG represents our country's interests forthrightly and effectively in international forums, and he is equally skilled in informal diplomacy, listening well and engaging in candid dialogue, forming ties of mutual respect with leaders abroad. He has taken a particular interest in the challenges facing the NATO alliance after the Cold War, the role of the alliance in conflicts in the Balkans and beyond Europe, and the collective response to terrorism.

Under his leadership, the Assembly has played an important role in the eastward expansion of NATO, both in debating the terms of that expansion and in establishing ties with parliamentarians in the new member States.

Like others in this body, I have greatly enjoyed and benefited from my travels with DOUG, often with his wife Louise and my wife Lisa, on parliamentary exchanges, Aspen Institute seminars and NATO Assembly meetings.

Most recently, we have collaborated in drafting a resolution, H. Res. 642, establishing a commission in the House of Representatives to assist parliaments in emerging democracies. It is our hope that this commission might continue the work begun in Eastern Europe by the Frost-Solomon Commission in the 1990s, working in the Balkans, the Caucasus and other areas as they develop freely functioning parliaments.

Madam Speaker, as much as we respect DOUG's work, we also admire him as a colleague and value him as a friend. DOUG's a warm and sincere and genuine person, persistent and determined when he needs to be, but also cooperative, collaborative, willing to share the limelight and eager to help others succeed. One measure of DOUG's personal qualities and the loyalty friends feel to him is the longevity of his staff here. DOUG's staff obviously believes in him, and they have served for impressive periods of time.

Carol Lawrence has served for 26 years, plus 3 years when he was a State legislator. Robin Evans, 22 years; Jodi Detwiler, 18 years; Susan Olson, his chief of staff, 17 years, and we know Susan well from her NATO assembly work; Mike Ennis, 16 years; Alan Feyerherm, 15 years. That is remarkable. That is a remarkable display of not just staff longevity but staff loyalty, a kind of personal loyalty that DOUG inspires.

Mr. Speaker, DOUG BEREUTER has made a distinctive contribution to this House and to our country. We will miss him here, but we bid him and Louise farewell in the sure hope that we will have continuing opportunities to see them and to work with them. We know that DOUG's talents will find a worthy outlet in the presidency of the Asia Foundation, and we wish him well in that important work.

Mr. OSBORNE. Madam Speaker, I thank the gentleman and appreciate him being here this evening. At this time, I yield to the gentleman from

Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence, who has worked very closely with Mr. BEREUTER.

Mr. GOSS. Madam Speaker, I thank the gentleman for yielding, and I want to thank my colleague the gentleman from Nebraska (Mr. OSBORNE) for his generosity and his leadership this evening. It is nice to be among colleagues talking about such pleasant things. Obviously we are all honored to rise to honor our friend DOUG BEREUTER and say good-bye. I hope it is not good-bye. I think in his new role we will be able to see more of him in a different capacity, but it is clear that I think the House feels we are losing a really nice guy and terrific resource. He has served us well.

I have actually had the pleasure, as most of us have tonight who have been talking, of working with DOUG in a number of capacities. How many times have we all flown back and forth across the Atlantic with DOUG? How many different airports have we stopped at on that airplane that sits out there that we sort of groan when we see, thinking how often we are going to have to stop for gas to get where we are going?

For all those years on the Parliamentary Assembly that he has worked and taken over the leadership, he has been working hard for the United States of America's position of a changing world, a changing times, and it has not been easy as we all know.

He has served as the chief congressional spokesman on NATO issues during the most difficult debates we had, I think, in Bosnia, Kosovo and Serbia, and he did it with eloquence and with clarity and a great amount of patience. Maybe patience should be underscored when we are talking about the NATO parliamentarians.

DOUG certainly diffused a number of disputes that have come up, and I think from everything from things as easy as the European Security Defense Initiative, which was relatively calm, to things like handling Mr. Zhirinovsky, a presidential candidate for Russia who continuously provokes our delegation with obnoxious effrontery on every occasion, DOUG did an absolutely tireless, fabulous and successful job on behalf of the United States and this institution, and I think everybody needs to know that and applaud it.

DOUG was rewarded for his efforts by being elected President of NATO Parliamentary Assembly. I am not sure that is a reward, but he took the job on and was celebrated for doing it so well, and it is an honor to have that position. It is also a lot of hard work, and he held that position at a very hard time, when NATO was admitting more members. Enlargement was not a subject that came across without controversy, and I think that now even controversies we hardly even dare breach out-of-area operations for NATO or things that are actually happening given what is going on in Afghanistan.

DOUG has been there during these critical times, providing leadership for the delegation, and it is very true to say he has helped direct NATO's support on the global war on terrorism, something of great interest to us all.

I am particularly appreciative, of course, in my position, for his service as the vice-chairman of the Permanent Select Committee on Intelligence and particularly the chairman of that subcommittee that tries to link up policy with our national security capabilities. That is not an easy job. It is unique. It is the only place I know where that happens, where that work is done, and I single out two issues in particular where DOUG has made a positive impact in the community.

First, he led the community's push to eliminate what we call the Deutsch Guidelines, the risk avoidance question, the hindrance to the agent requirement that crippled our ability to recruit productive assets, and DOUG was a tiger on that. When things were passed into law under his leadership and were not properly effected and executed, he went back and made it happen, and I take my hat off to him for his persistence and his vision on that.

Secondly, he has recently been responsible for crafting a comprehensive legislative package addressing the linguistic needs of the intelligence community. He and many others on both sides of the aisle have contributed, but he led the charge and he did it efficiently and he did it in a short period of time. We just passed an authorization bill that now provides for language capabilities that are critical to this country we did not have before.

I am very well aware that language capability is not a front page story for the New York Times, but it is essential for our collection of information that our Nation needs to pursue its foreign policy objectives. DOUG took on the task. His recommendations on language received enthusiastic bipartisan support, and now it is a major component of a passed authorization bill in the House, and I believe the Senate will see it the same way.

I guess I would sum up and say, as he ends his tenure on the Permanent Select Committee on Intelligence, I will say without equivocation that DOUG BEREUTER has left the intelligence community better than he found it through his extensive, conscientious, creative initiatives, and those are words I would not say casually because those are things that matter a great deal to me. He has left a positive mark and left a great improvement for us.

He has also been a great friend and colleague, as everybody is here to say. I first met DOUG and talked about town planning. We had that in common together. He exposed me to the Niobrara River debate which was a very vigorous debate, important in his district, and he carried the day against big odds on that, and he did it with grace and helped out a lot of us who did not know much about that river to know a lot more quickly.

It is not a permanent good-bye. We wish DOUG and Louise the best, of course, and I think it is sort of strange. The ultimate irony is that the man we are celebrating so much tonight for all of his leadership on the transatlantic and the across Atlantic area interests is also a man who has huge experience on the Pacific side. So, DOUG, as you and Louise go from the Atlantic to the Pacific, we all wish you well and Godspeed. We now have another reason to visit San Francisco, which is a good thing. I would say that you are truly a global man for the global century ahead. God bless you and good luck.

Mr. OSBORNE. Madam Speaker, I thank the gentleman very much for his kind kinds. At this time I yield to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Madam Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) for providing this forum tonight.

We are here tonight to thank the gentleman from Nebraska (Mr. BEREUTER) for his distinguished service to our country. Congressman DOUG BEREUTER is a gentleman whose congressional service is characterized by civility, integrity and gentlemanly conduct. I have never heard any Member of Congress, Republican or Democrat, say an unkind word about DOUG BEREUTER. That may be a rarity around here.

DOUG has honored this institution of Congress with his service. He has provided leadership as the President of the NATO Parliamentary Assembly, which I have had the honor to serve with DOUG and work. He has worked to further the objectives of NATO and strengthen the ties between each of the Nations who are parties to NATO.

Most importantly, perhaps DOUG BEREUTER is a good, decent man, and I am grateful he is my friend. DOUG, may you have great success in your new career. My wife Stephanie and I wish you and Louise the very best.

I again thank the gentleman from Nebraska (Mr. OSBORNE) for providing this forum this evening.

Mr. OSBORNE. Madam Speaker, I thank the gentleman and appreciate his kindness in coming down here and waiting. At this time, I yield to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Madam Speaker, I thank the gentleman for yielding, and I am going to be brief because there are a number of speakers tonight. I will enter my full statement in the RECORD, but I am very pleased to have the opportunity to pay tribute to a very special Member of this body who is leaving after 25 years of service.

All of us who serve here know the respect with which DOUG is held by his colleagues here, but what many Members of this body do not know is how widely known, how respected he is by parliamentarians all across this globe.

Throughout his 25 years in the House, DOUG BEREUTER has served on an exceptionally large number of important committees. He has also held the gavel as chairman of three different subcommittees. He has played a lead role

in the House of Representatives for years, but throughout his 18 years of service on the U.S. delegation to the NATO Parliamentary Assembly and his membership on numerous other congressional exchanges and international task forces, Congressman DOUG BEREUTER has become one of the most experienced voices in congressional debate on international affairs.

I have had the pleasure of serving with DOUG for 10 years on the NATO Parliamentary Assembly, and my wife Karen and I have had the opportunity to know both he and his wife Louise very well as a result of that experience. I think it is an example of the high regard in which he is held, the fact that he is now serving as the President of the NATO Parliamentary Assembly. He was unanimously elected to that position by the parliamentarians of the all the NATO countries. NATO has now grown to 26 countries with the recent expansion.

His important achievements, both in Congress and abroad, will continue to pay tribute to his esteemed career as an effective legislator and accomplished diplomat.

His presence in this House will be sorely missed as he has been one of those Members who has always worked on behalf, not only of the American people, but also his Nebraska constituency.

□ 1930

It is a responsibility that he assumes going to the Asia Foundation, a very large and important institution; but it fits perfectly with his background, his experiences, his talent, where he will no doubt make a major contribution. He will be helping not only the United States but the many Asian countries where the foundation is active.

I wish Congressman DOUG BEREUTER and his wife, Louise, and his family the very best of luck in the years to come.

Mr. OSBORNE. Madam Speaker, I would like to say a few words about Mr. BEREUTER, and then I will yield to the gentleman from Nebraska (Mr. TERRY) for the remaining 30 minutes or 25 minutes, whatever we have left, to manage the last part of the hour.

I would just like to comment on the fact that DOUG BEREUTER has served an extraordinarily long period of time here in the House of Representatives, actually longer than any other Nebraskan has served in the House. As a matter of fact, it is rumored that he served under Roosevelt, Teddy Roosevelt, that is, and so his 26-odd years of service have been greatly appreciated.

DOUG represents a very diverse constituency, and he has represented that constituency very well. This was exemplified by the fact that when we redistricted in 2000, three of the counties in DOUG's district were going to be allocated to my district, and there was almost a complete revolt from those three counties. They did not want to leave DOUG and come with me, and so I think one of them managed to stay in DOUG's district.

DOUG is a small-town guy, Utica, Nebraska. He is proud of the fact that he has held over 1,000 town hall meetings. So he has really maintained close touch with his constituency. DOUG carried an extremely heavy work load here in Congress. He served on the Committee on Financial Services, Committee on International Relations, chairman of the Subcommittee on Europe, Committee on Transportation and Infrastructure, Permanent Select Committee on Intelligence, was vice chairman of the full committee, chairman of the Subcommittee on Intelligence, Policy and National Security, vice chairman of the Subcommittee on Terrorism and Homeland Security. So very, very few, if any, people in Congress served in that large number of committees.

Also he is the president of the NATO Parliamentary Assembly. He has been prominent in world trade issues and world hunger programs. DOUG attended the University of Nebraska-Lincoln where he was a Phi Beta Kappa. He went to Harvard graduate school and was a faculty member and guest lecturer at Harvard, University of Nebraska-Lincoln and Kansas State University, also in private business, United States Army, Nebraska State legislature. So there are very few people in Congress who have had the varied experience and the excellent background that DOUG BEREUTER has had.

His past committee memberships, honorary positions are really too numerous to mention; but the most important thing about DOUG, and this is what I would like to emphasize, it is really not so much what he has done as how he has done them. DOUG has been exceptionally self-sacrificing, not noisy, abrasive, and certainly not self-serving; and this has been appreciated by all of his colleagues. And I think this is an example of why so many people have shown up tonight to speak on his behalf.

His focus has been on serving the best interest of the country and his district and not on self-promotion. He has worked very well with Members of both parties, and I think that probably the finest compliment that was paid to DOUG was paid by EARL BLUMENAUER, a Member of the other party, who was not, unfortunately, able to be here because of an emergency, but EARL said that DOUG was one of those people who were the glue that held this place together. And I guess when you leave Congress, if somebody can say that about you from the other side of the aisle, that is an extreme compliment.

So DOUG certainly is somebody who has been a healer, somebody who has pulled people together; and I guess the last thing I would mention to you that, again, displays DOUG's character is the fact that I arrived here as a 64-year-old freshman who knew a little bit about football and almost nothing about politics. And DOUG and his wife, Louise, had Nancy, my wife, and myself out to dinner. And he tried to give us the basics, kind of Congress 101. And so he tried to steer me in the right direction and was always available, and I guess it is always the mark of a person's character as to how he treats somebody that can do nothing for him. Obviously, I had no seniority, was not anyone of any influence in Congress; and yet his kindness will long be appreciated and remembered. So DOUG was a great influence on me and on this body and will be greatly missed.

Madam Speaker, I yield the remaining time that we have to the gentleman from Nebraska (Mr. TERRY), who is also a great friend of DOUG's; and I am honored that he would come down here tonight and manage the last part of this hour.

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska will control the remaining time.

There was no objection.

Mr. TERRY. Madam Speaker, I thank the gentleman for yielding the time, and I do think it honors DOUG by us doing this as a team approach. Certainly, though, you have taken much of the responsibility for tonight, and thank you for doing that.

Madam Speaker, I yield to the gentleman from California (Mr. BERMAN) for as much time as he may consume.

Mr. BERMAN. Madam Speaker, I thank the gentleman from Nebraska for yielding me this time. I will not repeat many of the comments of my colleagues talking about specific aspects of DOUG's really quite incredible Congressional career. We all in this body have good days and bad days, and one of the really bad days for me was awakening to learn that, I think I was in California then, that Congressman BEREUTER of Nebraska had decided to retire at the end of this term, that somebody as essential to the work that I was interested in, particularly in international relations, who conducted himself in such a professional and thoughtful way, whose approach to every issue, sort of he had his philosophy and he had his values, but essentially it was a very meticulous, merit-based analysis of issues and what made the most sense, and he constantly stood firm and steadfast for the conclusions he had reached through that kind of an analysis. He did not pigeon-hole issues. He looked at each one fresh and came to terms with the merits after a great deal of thought and analysis.

One of the good days in this institution was the day when I learned he was going to seek and then get the presidency of the Asia Foundation, a very important organization doing very important work on the rule of law, human rights, and democracy in Asia and that part of the world, from Afghanistan to Indonesia, critical countries, large, important countries, and that DOUG would be devoting his professional career now to this. And I certainly wish him and Louise, whom I am also very fond of, great success. They will do an organization that has already made an

excellent name for itself a great service by giving their efforts to that organization.

For me, what some of us over here view as the national tragedy of the 1994 elections, which shifted the majority control to the other party and all of the drama that surrounded that for those of us who had enjoyed being in the majority and all that went with that status, I got a consolation prize that I think a lot of my Democratic colleagues did not get, because I went from being a chairman of a subcommittee on the Committee on International Relations to being a ranking member of a subcommittee, the Asia subcommittee, which DOUG BEREUTER was the chairman of. And in the 4 years that I was ranking and that he was chair of that committee, I cannot remember a single issue where I left any meeting, any markup, any hearing without the greatest respect for his intellect, for his commitment, for his willingness to work on a bipartisan way, for the approach which I think is an important one that has been not always observed as well as it should be, but a tradition that in this body politics ends at the water's edge. And this is a gentleman who would never hesitate to work with the minority party or with minority Members that were willing to work with him in pursuit of what he saw as the national interest.

He had a number of different accomplishments; many of them have been touched on. The one that I did not hear mentioned, he played a very key role in drafting the Hong Kong Policy Act, which placed the issue of Hong Kong's continuing autonomy after the handover front and center in terms of our relationship with China. He did incredible work in terms of trying to deal with the human rights issue in the context of MFN status for China.

Over and over again, I could take more than enough time as allotted talking about specific issues and specific accomplishments. I am only sorry that I did not get to serve on the Committee on International Relations with him as chairman or, even better, with him as ranking member of that particular committee. I know he would have done a wonderful job, but I look forward to continuing to see him and Louise and to work with him at the time when it is appropriate on issues that the Asia Foundation will be engaged in, which will be issues that are very much in our national interest.

Madam Speaker, I thank the gentleman for yielding and for conducting this Special Order.

Mr. TERRY. Madam Speaker, I thank the gentleman for his words of high praise.

Madam Speaker, I yield to the gentleman from Illinois (Mr. MANZULLO), chairman of the Committee on Small Business.

Mr. MANZULLO. Madam Speaker, I thank the gentleman for yielding. It is a real joy to pay tribute to a person who has been a real role model, a mentor, and a teacher for the years that I have had the privilege of representing the people of the 16th Congressional District of Illinois.

For a long period of time, I served with DOUG on the Subcommittee on Asia and the Pacific on the Committee on International Relations, of which DOUG was the chairman.

In 1999, he invited me to go with him to Hong Kong in December of that year on an oversight mission to take a look at the result of the turnover of Hong Kong to Mainland China in the summer of that year, and I had never been to China before and really did not want to go, but knowing that DOUG BEREUTER would be the chairman of that little group gave me so much of a sense of confidence that, in case we got in trouble, he could get us out of it.

So we went over there and met with various people in China, including the Premier; and I recall when we were flying from Shanghai to Beijing, we encountered a diversion in the weather, and there was a huge dust storm that was blowing the dirt off the Gobi Desert. And so we just could not make it to Beijing. And the pilot came on, and he said, We are going to have to divert to Hohhot Inner Mongolia.

And the only thing I knew about Inner Mongolia was that it is right next to Outer Mongolia; and as the plane landed, we were given these reboarding passes that said, ''When in Hohhot, stay at the Inner Mongolia Hotel,'' which was owned by the Chinese airline. And we looked at each other, and our small delegation got in this bus. I know it was very quiet. I had two coats, and they were both stored in the belly of the airplane, and we rode late at night to this mysterious hotel and were greeted there in the lobby by so much confusion going on. It was just absolutely chaos broke loose in the lobby, and a man who was a complete stranger to our U.S. delegation, probably about eight people including Members and staff, came over and he said, ''If you give me your passports, I will get you your room.''

We did not even know who this guy was, except he looked official. And I looked at DOUG, we all looked at each other, took out our passports and gave them to this complete stranger, who then proceeded to get us our rooms and took care of that.

□ 1945

The next 2 days we were trying to find out ways we could get to Beijing. We thought about planes, trains, and automobiles. There were several people on that airplane from Israel, and we heard that they got in a van and drove across the Gobi Desert at night to get to Beijing. We called the U.S. Consul, and they said no, we do not want a bunch of Congressmen and their staff riding in a van across the Gobi Desert. It is a pretty dangerous place.

Eventually the weather cleared up, and we got on the airplane, landed in Beijing, and what a great opportunity to spend several days with a person who has such a deep sense of history, a real love of his country, and who took hours of his time to instruct me on his thoughts on the changing face of China.

Now, I am the chairman of the American-Chinese Interparliamentary Exchange and have been there several times subsequent to the 1999 trip with the gentleman from Nebraska (Mr. BEREUTER). And a year ago in January, I had an opportunity to lead the largest delegation of Members of Congress to China. Were it not for the gentleman's insistence that I go with him to China in 1999, knowing that I had such a desire and interest in that country, I probably would not be the chairman of this Interparliamentary Exchange, probably would never have had an opportunity to open up markets over there and work on areas of human rights. I can only attribute this to the gentleman from Nebraska (Mr. BEREUTER).

He is one of the most decent people and kind individuals that I have met in my entire life. He has never raised his voice, always with a smile, and a sense of knowing that not only have the people of his congressional district been well served, brilliantly served by a truly dedicated public servant, but the people of America as a whole have been served by this outstanding individual.

It is retirement from Congress but not from life, and that is the good news. We look forward to working with the gentleman. I am excited about the possibilities of being the chairman of the American-Chinese Interparliamentary Exchange and to have the opportunity in the future to work with the gentleman and to continue to be his student.

Mr. TERRY. Madam Speaker, I thank the gentleman from Illinois (Mr. MANZULLO), and I yield to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Madam Speaker, it is an honor to rise to salute my colleague, the gentleman from Nebraska (Mr. BEREUTER), on a quarter century of service to this body and particularly to thank him for the opportunity to bring an issue that was so close to me, international parental abduction, to the attention of our NATO counterparts.

I remember meeting the gentleman for the first time on one of our bipartisan retreats just a couple of months after I came into the House of Representatives. We were on that train that we have taken a number of times; and DOUG and his wife, Louise, came up to me and my wife, Susan, and carried on a conversation. He suggested that I look into his involvement with the NATO Parliamentary Assembly. I was aware of it, but it was at his invitation that I requested to become a member. I have been honored to attend many of the meetings in the last 6 years and speak at the Assembly's European meetings and to serve as a committee vice-chair.

My participation would not have been possible without DOUG's support. He reached over the magic aisle that runs through the middle of the room and reached out to me with the same kind of encouragement that he gave to every one of the delegates, regardless of party. Like one of my district predecessors, Jack Brooks, the gentleman from Nebraska (Mr. BEREUTER) as chairman of the NATO Parliamentary Assembly displayed a strong belief in the collaborative values that the assembly stands for. He generates that belief among fellow Members of Congress.

In 2001, I was very proud to cosponsor legislation that he introduced to enlarge NATO as articulated by our current and past Presidents. Beyond his leadership in our delegation, the gentleman from Nebraska (Mr. BEREUTER) served as both vice president and president of the Parliamentary Assembly representing the United States of America admirably in both rolls.

Madam Speaker, I will certainly miss the gentleman from Nebraska (Mr. BEREUTER) and Louise when we had an opportunity of being with them, and the gentleman particularly as a Member of Congress. His efforts here will inspire future Members to reach across the aisle and across national boundaries to fix problems that demand collaborative solutions. I wish him a fond farewell from this Chamber, and I know that our appreciation of his service will continue long after he leaves this body.

Mr. TERRY. Madam Speaker, I yield to the gentleman from Michigan (Mr. EHLERS), my very professorial friend, for his comments.

Mr. EHLERS. Madam Speaker, I have been in Congress almost 10½ years, and I have enjoyed the friendship of the gentleman from Nebraska (Mr. BEREUTER) almost that entire time. I have always been extremely impressed with him. He is a very fine person.

Approximately a decade ago, the gentleman from Nebraska (Mr. BEREUTER) pulled me aside in his role as leader of the congressional delegation to NATO. He explained to me what the NATO Parliamentary Assembly was, explained to me that Europeans all had scientists serving on the Science Committee, but no one from the U.S. did. He asked me to serve since I am a physicist by training. I acquiesced rather reluctantly because it seemed like a huge assignment as a brand-new Member of Congress, but it has given me an opportunity to come to know DOUG and Louise much better.

I would like to talk about the gentleman from Nebraska (Mr. BEREUTER) as a diplomat. He is a consummate diplomat. He is patient, with a calm demeanor. He is always polite, no matter what point of view he is being forced to listen to. He is a careful listener. He is a good negotiator, and a decent person, a man of integrity. All of these are hallmarks of a good diplomat. DOUG has served not only Congress but our Nation well as a diplomat in his position of serving and leading the NATO Parliamentary Assembly delegation from the United States. It has been a pleasure to serve with him and to learn from him in that role.

His wife, Louise, is also a good diplomat in the many contacts she has had to make over the years with Members and their spouses, but also with members and spouses from other countries, and she has handled this role with grace, tact, and great care.

Also, I have been impressed with the gentleman from Nebraska (Mr. BEREUTER) as a legislator. He has done such good work in so many different areas but above all in international relations. Frankly, my heart is broken that he is leaving us, because I was looking forward to the day he would become chairman of the Committee on International Relations, and I knew he would be a superb chairman.

I would also like to mention DOUG as a friend. He has been a good friend to me, a confidante and an adviser. I could not have had a better friend and confidante to discuss issues with. He always had wise advice and helpful comments to make when I discussed with him the problems I was having on the Science Committee, particularly in dealing with recalcitrant members from other countries who seemed to enjoy making trouble more than making progress.

With his help, I was able to serve 4 years as a rappateur on the Science Committee. The rappateur controls all reports which come before the committee, in fact has to write most of them, and I am currently vice chairman of the Science Committee of the NATO Parliamentary Assembly and was asked to serve as president and declined with some regret simply because of my heavy workload in the Congress.

I am very pleased that DOUG has finally achieved the job of his dreams, to serve in this new position. He is a perfect fit for the job, and the job is a perfect fit for him. I certainly want to wish him and Louise well as they leave this area and move to San Francisco to take up this new position. We hate to see you go, DOUG and Louise; but we certainly wish you well and we know you will do well as well.

Mr. TERRY. Madam Speaker, I yield at this time to my classmate and good friend, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, many of us here in the House of Representatives woke up one day and said, say it is not so, DOUG. We did not want to see him go. For many Members here, it was hard to understand how someone who did the job so well would want to leave voluntarily, but he has so much to give and will continue to give. I have worked with him on the Permanent Select Committee on Intelligence, others on the Committee on International Relations. We all think he would be an outstanding committee chairman, and one of the things we lament is he is leaving before he gets to serve in that way.

Most recently, I worked with the gentleman from Nebraska (Mr. BEREUTER) on efforts to improve the proficiency of Americans in foreign languages. I must say, it was a delightful and very productive experience working with him on that issue.

The House will be diminished by his departure. There are very, very few people like the gentleman from Nebraska (Mr. BEREUTER) here. He is industrious, he is astute, he is judicious, he is well informed. He has a very broad perspective, and I mean that geographically, historically, and ideologically. By that I mean he is not ideologically entrenched. Sure, he has solid values and is a person with integrity, but he can work with others. A word that comes to mind is collegial. He is not self-serving. He is about serving others, his constituents, and, yes, other Members of the House, junior and senior Members. He is considerate. In every respect, in every circumstance, in every forum, I have seen nothing but the utmost consideration from the gentleman from Nebraska (Mr. BEREUTER). In fact, I would say he is truly wise because he understands that kindness is the greatest wisdom.

We all wish the gentleman from Nebraska (Mr. BEREUTER) and his wife, Louise, well. It is the gain of the Asia Foundation. I am sure he will contribute a great deal there, and I am here to join my colleagues to say thank you, DOUG, for your service to us, to the House, to your constituents, and to America at large.

Mr. TERRY. Madam Speaker, I appreciate the gentleman coming down here to speak.

Frankly, this is my 6th year, and we have seen classmates come and go; but I do not know if I have seen a Member so balanced between Republicans and Democrats. Members have used words like collegial, diplomatic, intellectual, considerate, and friend when talking about the gentleman from Nebraska (Mr. BEREUTER). And the fact is that we have already used up one full hour, and I too will miss the gentleman from Nebraska (Mr. BEREUTER). What I will miss about DOUG leaving this body is not only his friendship and his steady leadership and his counsel, but his quiet sense of humor, too.

I remember the only time in 6 years of serving with the gentleman I heard him, and it struck me as odd because he almost spoke ill of someone, there is a gentleman who has a particular reputation for harshness when he speaks, and DOUG was speaking to me and then said, Wait, I want to listen to this person because he sometimes is a little too partisan when he speaks. I want to hear what he says.

□ 2000

That is as bad as he has ever said about anyone in this body, which is really rare.

Let me talk about the gentleman from Nebraska (Mr. BEREUTER) as just a person, because he was elected in 1978

at the age of 39. He and Louise had two elementary schoolchildren, boys, Kirk and Eric.

Madam Speaker, I will submit the rest of my statement in the RECORD.

Doug Bereuter has two sons, Kirk and Eric, one daughter-in-law, and a grandson, Ethan.

Elected to Congress in November of 1978 at the age of 39, Doug has served in the U.S. House of Representatives longer than any citizen of the Cornhusker State.

He's won every election with at least 60 percent of the vote. Last election he pulled in 85 percent of the vote.

During my first term here in the House of Representatives, I was lucky enough to have two of the most respected members of this body as my seniors in the Nebraska House Delegation. Bill Barrett, who has since retired, and the man we're here to honor today, DOUG BEREUTER.

I know everything that goes into moving a young family from Nebraska to Washington, DC. I did it myself after my first election. Granted, even though we made our move almost two decades later, it was still not easy. Eventually, my family and I left Virginia to go back to our home state of Nebraska, and I travel back and forth every week.

But this was not always an option. When DOUG, Louise and his elementary school-aged boys got in the car and drove to Washington, the world was a different place. The options were limited to (a) move your entire family to D.C. or (b) go for weeks without seeing your loved ones.

One thing I've always liked about DOUG and Louise is that, even though they chose option (a), they never left Nebraska behind. In 26 years, DOUG has always been a true Nebraskan.

Those first years, there wasn't the direct flight from D.C. to Nebraska like there is now. Depending on the time of day, it's possible to be in our state in just a few hours. DOUG, during his first years in Congress, spent many nights on the floor of O'Hare, thanks to the weather, to make the trip to Nebraska and back.

But he always did it, because that was what was required of him.

Sometimes, those sleepless nights in Chicago were trips back for one of his many, many town hall meetings. These are meetings that we all do. DOUG would do between 30 and 45 town hall meetings a year. For over a quarter of a century. Just the thought of how many people he talked with, argued with, laughed with at these meetings is amazing.

Through the years, he was also able to get to know the towns and cities in his district very well. Not surprisingly, he always knows where to get good ice cream after a town hall meeting.

Speaking of snacks, I'm not sure if everyone knows that Congressman BEREUTER loves popcorn, exactly as a good Cornhusker should. While my friend and colleague may never be known as a chef, he knows how to make popcorn.

Nebraskans have watched DOUG's family grow up in their annual Christmas card, which always included a recipe and a drawing or picture by a family member.

They are a part of Nebraska, just as much as they would be had they grown up in Lincoln, Utica, or Oakland, Nebraska. His sons looked for and found jobs in Nebraska. In this quarter of a century, DOUG's office has always been a little bit of home-away-from-home here in D.C.

I would also like to take a moment to compliment his staff. They are proud of the fact that even when a non-Nebraskan takes a job in their office, within a week they have them saying "You bet" and referring to "pop" instead of soda. It's little things like that which keeps the office in touch with Nebraska.

And they are loyal. Carol Lawrence, his press secretary, who is a wonderful person and has helped my office out on numerous occasions, has been with Doug since 1974, the same year my press secretary was born!

Mr. UDALL of New Mexico. Madam Speaker, I want to pay tribute today to a colleague and good friend who will be leaving the House when the 108th Congress adjourns, Representative DOUG BEREUTER.

DOUG brings to a close an impressive career working for Nebraska. For 26 years DOUG has been a strong advocate for the First Congressional District as well as a respected advocate on foreign affairs and intelligence issues, especially his efforts on the NATO Parliamentary Assembly. On these crucial issues he has consistently set partisanship aside, rolled up his sleeves and gotten the work done.

Not only does he retire as Nebraska's longest-serving member of the House, he has the third-longest service in Congress. He has a bipartisan record and close relationship with is constituents—nurtured at more than 900 town hall meetings. His constituents kept sending him back to Washington because he could be counted on to do what was right.

DOUG will next head The Asia Foundation as its new president. His leadership on the House International Relations Committee has well-prepared him for this challenging assignment. He brings precisely the right mix of qualifications: seasoned judgment, policy expertise, management acumen and well-developed rapport with key Asian leaders.

Madam Speaker, I am honored to join my colleagues in wishing only the best for DOUG and Louise as they move on to the next chapter in their lives.

Mrs. TAUSCHER. Madam Speaker, I rise today to pay tribute to one of the finest members of this institution, DOUG BEREUTER of Nebraska. After 26 years of service DOUG is retiring from the House to be President of the Asia Foundation, and this body will not be the same without him.

In his time in the House of Representatives, Madam Speaker, DOUG BEREUTER has embodied the best of pubic service. His commitment to his constituents and his Nation has never waivered. While staying true to his values, he has worked across party lines to achieve compromise and advance sound public policy. He is known on Capitol Hill as a man with strong convictions but an even stronger commitment to working in a bipartisan, collegial manner and a dedication to doing good.

DOUG BEREUTER is a committed internationalist who understands that in this world of ever increasing globalization it is essential that our Nation maintain strong relationships around the world. DOUG has dedicated a significant part of his career to improving international cooperation and he is know and respected around the world.

I have had the opportunity to travel with DOUG as a member of the NATO Parliamentary Assembly. I have been impressed by his knowledge of our European allies and his grasp of the issues the alliance faces. I have seen the ease with which he related to foreign leaders. And I have seen the grace with which he conducts diplomacy.

On a personal note, Madam Speaker, I am pleased that DOUG and his wife Louise will be relocating to the San Francisco Bay Area and that they will live in my district. I hope to see them regularly and continue to benefit from their kindness and wisdom.

I am grateful that DOUG BEREUTER has given so much of his life to the people of Nebraska and to this Nation. I wish him the best of luck as he leaves Congress and begins the next chapter of his life.

Mr. ROYCE. Madam Speaker, I would like to join my colleagues in honoring DOUG BEREUTER and commending the 13 terms he has served in the House of Representatives. I have had the privilege of working with Congressman BEREUTER on the Financial Services Committee and the International Relations Committee for a number of years now. As we have heard today, he is a highly esteemed and respected member of these committees.

Congressman BEREUTER has been one of the House's resident experts on foreign policy matters—especially in Asia. I had the privilege of serving on the Asia Subcommittee when Congressman BEREUTER served as its Chairman and worked with him to strengthen U.S. ties with our allies in Asia. Congressman BEREUTER and I also had a chance to travel to Asia together during this time.

As this House knows, Congressman BEREUTER's interest in foreign affairs has not been confined to Asian nations. He plays an active role in European parliamentary exchanges and serves as Chairman of the European Subcommittee with distinction. As President of the NATO Parliamentary Assembly, Congressman BEREUTER has highlighted the importance of establishing strong transatlantic relationships and the role of sustained and meaningful dialogue between the United States and Europe in achieving those goals. He worked diligently to include nations like Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in the North Atlantic Treaty Organization, Congressman BEREUTER and I have been encouraging greater involvement by NATO partners in promoting security in Afghanistan.

Congressman BEREUTER has also proved himself to be an expert on intelligence matters. As Chairman of the Intelligence Policy and National Security Subcommittee and Vice Chairman of the Terrorism and Homeland Security Subcommittee, he has led careful oversight of the transformation of U.S. intelligence agencies after September 11th. He has worked hard to improve the organization and operation of the intelligence community, enhance their language education and training, and improve the coordination of the Federal Government in identifying and responding to weak or failing countries that endanger international security or stability.

I have long respected DOUG's thoughtful and attentive manner and his focus on substance rather than rhetoric. When he spoke, people listened. This House will undoubtedly miss his presence and work.

Mr. SENSENBRENNER. Madam Speaker, I rise today to recognize the distinguished career of Representative DOUG BEREUTER. The people of Nebraska's First District wisely voted

Mr. BEREUTER into the House of Representatives in November of 1978, the same year I was first elected to this chamber. As a member of the same freshman class I got to know Representative BEREUTER during those weeks preceding our first terms. Over that period, and in the years since, I have found Congressman BEREUTER to be a consummate professional and a remarkable representative for the people of Nebraska.

He is the quintessential public servant, having served as an officer in the United States Army, as well as various capacities within Nebraska's State government, including service as a State Senator, prior to his election to Congress.

Mr. BEREUTER has announced his retirement effective at the end of the 108th Congress. During his distinguished career, Mr. BEREUTER has left his mark in the halls of Congress. I know that Congressman BEREUTER will be missed in this body for the integrity with which he dealt with each person he came across during his tenure.

Madam Speaker, I join my colleagues in congratulating Congressman BEREUTER on a job well done. The people of Nebraska have been well served for the past twenty-six years. He has served with distinction, and will retire with the respect of his peers. Congratulations and best wishes for a long and prosperous retirement, Congressman BEREUTER.

Mr. BILIRAKIS. Madam Speaker, I rise today to honor a good friend and outstanding public servant, Congressman DOUG BEREUTER.

I have become familiar with DOUG and his work having served as a member of the U.S. House delegation to the NATO Parliamentary Assembly, which he chairs. I have participated in numerous congressional delegations abroad which he has led and was always impressed with his knowledge of world affairs and his determination to increase understanding among NATO partners.

DOUG also has been a tireless advocate for his Cornhusker State constituents during his twenty-six year House tenure. He has served longer than any other Nebraskan, during which time he has penned many laws to help his diverse constituency, including ones to promote his state's agricultural exports, improve health care and child welfare, end international hunger, and protect Native Americans.

Madam Speaker, I am proud to call DOUG BEREUTER a friend and colleague. His constituents and our country are losing an honorable and dedicated public servant, the likes of which bring credit to this hallowed institution in which we are so fortunate to serve. I wish him and his wife, Louise, health and happiness in their future endeavors.

Mr. PETRI. Madam Speaker, I am honored to participate in this special order recognizing the many years of dedicated service to the 1st District of Nebraska and to our country by our good friend and colleague, DOUG BEREUTER.

DOUG is one of the hardest working, dedicated and principled Members to serve in this House. In his quiet way, he has successfully worked to bring about significant reforms and accomplishments in many areas. Through it all, he has done so with the highest moral character, unquestioned integrity, and has been true to his convictions. DOUG has been an example to us all by working in an effective and bipartisan manner, more interested in policy and legislation than scoring political points. He considers each issue on the merits and isn't afraid to follow his own convictions and do what he believes is right. If DOUG proposes a legislative initiative, you can count on it being well-considered and carefully thought out.

Perhaps his strength of character and principled behavior comes from his Midwestern Nebraska roots that go back five generations. He has served Nebraska and his constituents well, never losing sight of the special needs and concerns of his district. DOUG has been a leader in many varied initiatives that have benefited his constituents and the country. He has been active in promoting a national trail program that improves the quality of life for all Americans. As a colleague on the Transportation and Infrastructure Committee, I know he has been diligent in tending to the various transportation needs of his district. While not a Member of the Agriculture Committee, he nonetheless has been active in promoting proposals to aid farmers.

Just this year, the Financial Services Committee and the House have acted on other initiatives he has spearheaded for many years, including flood insurance reform and home loan guarantee programs.

Perhaps the area for which DOUG has become most recognized here in the House and, literally, around the world is that of foreign affairs. He is recognized as one of the hardest working members of the International Relations Committee and has served admirably as Chairman of the Asian Subcommittee and the Europe Subcommittee.

For many years he was the Chairman of the House delegation to the British American Parliamentary Group and remains an active member today. He is currently Chairman of the U.S. House Delegation to the NATO Parliamentary Assembly as well as President of the NATO PA itself, positions that require countless hours of work and effort on a continuing basis. He is a co-founder of the Congressional-Executive Commission on China that was essential in winning permanent normal trade relations with China while ensuring that we continue to monitor human rights, guard against prison labor exports and put in place other related safeguards. The many other boards, commissions and task forces he has served on over the years are too numerous a to mention.

While I regret DOUG leaving the House, he is undoubtedly well suited for his next position as president of The Asia Foundation. He is keenly aware of the increasingly important role of Asia and in the benefit to Asia and to the U.S. in helping to encourage growth and prosperity from within the region. The goal of the Asian Foundation is the "development of a peaceful, prosperous, and open Asia-Pacific region." It accomplishes this through supporting programs that help improve governance, economic reform and development, increased participation of women, and other internal reforms. I know all of these are principles that DOUG shares, and he will provide strong and steady guidance to the organization.

I would be remiss if I didn't note another important ingredient to DOUG's—success—lovely wife Louise. An accomplished artist and musician, Louise has been a loyal and steadfast partner as DOUG has faced his many responsibilities. I will long remember one night on a recent BAPG trip to Ditchley Park outside Oxford. Louise played one song after another on the piano as the rest of us struggled to sing along. I'm afraid our vocal abilities were no match for her musical skills. But it was a lot of fun, and that is how I will always think of DOUG and Louise—good and decent people who know how to enjoy life.

So I wish them well as they move to San Francisco and begin this new phase of their life together. DOUG can be proud of his service here in the House, an I am proud to have served with him and to consider him a friend.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of official business in the district.

Mr. QUINN (at the request of Mr. DELAY) for today after noon and the balance of the week on account of family 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. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

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

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

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

Mr. PEARCE, for 5 minutes, today.

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

ADJOURNMENT

Mr. OSBORNE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Friday, July 9, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8957. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting

Authorization of Major General Henry A. Obering, United States Air Force, to wear the insignia of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8958. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral James M. Zortman, United States Navy, to wear the insignia of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8959. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral Jonathan W. Greenert, United States Navy, to wear the insignia of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8960. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Russel L. Honore, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8961. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General Richard A. Cody, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8962. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Carl A. Strock, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8963. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Michael W. Wooley, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8964. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General Paul V. Hester, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8965. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Jeffrey B. Kohler, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8966. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General John F. Regni, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8967. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral (lower half) James G. Stavridis, United States Navy, to wear the insignia of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8968. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Health Care Fraud and Abuse Data Collection Program: Technical Revisions to Healthcare Integrity and Protection Data Bank Data Collection Activities (RIN: 0991–AB31) received June 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8969. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Privacy Act Regulations—received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8970. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Participation in Education Department Programs by Religious Organizations; Providing for Equal Treatment of All Education Program Participants (RIN: 1890–AA11) received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8971. A letter from the Regulations Analyst, Transportation Security Administration, Department of Homeland Security, transmitting the Department's final rule—Privacy Act of 1974: Implementation of Exemption [Docket No. TSA–2003–15900] (RIN: 1652–AA28) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8972. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Revision of NARA Research Room Procedures (RIN: 3095–AB10) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8973. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Restrictions on the Use of Records (RIN: 3095–AB11) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8974. A letter from the Group Manager, Regulatory Affairs, Department of the Interior, transmitting the Department's final rule—Location, Recording, and Maintenance of Mining Claims or Sites [WO–320–1430–00–24 1A] (RIN: 1004–AD62) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8975. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Disaster Assistance Definitions; Statutory Change (RIN: 1660–AA19) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. LINDER: Committee on Rules. House Resolution 710. Resolution providing for consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–591). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 711. Resolution providing for consideration of the bill (H.R. 2828) to authorize the Secretary of Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources (Rept. 108–592). 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. WELDON of Florida (for himself and Mr. DOYLE):

H.R. 4779. A bill to amend the Public Health Service Act to provide for clinical research support grants, clinical research infrastructure grants, and a demonstration program on partnerships in clinical research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO:

H.R. 4780. A bill to require the United States Trade Representative to pursue a complaint of anti-competitive practices against certain oil exporting countries; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Mr. ACEVEDO-VILA):

H.R. 4781. A bill to amend titles XVIII and XIX of the Social Security Act to provide for equitable treatment of residents of territories with respect to transitional assistance and low-income subsidies under the Medicare prescription drug benefit program; 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. CARSON of Oklahoma:

H.R. 4782. A bill to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the ''Francis C. Goodpaster Post Office Building''; to the Committee on Government Reform.

By Mr. CARSON of Oklahoma:

H.R. 4783. A bill to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas; to the Committee on Resources.

By Ms. DELAURO:

H.R. 4784. A bill to provide a grant program to support the establishment and operation of Teachers Institutes; to the Committee on Education and the Workforce.

By Mr. HULSHOF (for himself, Mr. BOSWELL, Mrs. EMERSON, Mr. GUTKNECHT, Mr. LEACH, Mr. SHIMKUS, Mr. LAHOOD, Mr. COSTELLO, Mr. MANZULLO, Mr. JOHNSON of Illinois, Mr. EVANS, Mr. AKIN, Mr. SKELTON, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. WELLER, Mr. LATHAM, and Mr. KING of Iowa):

H.R. 4785. A bill to enhance navigation capacity improvements and the ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 4786. A bill to provide grants to tribes to assist those tribes in participating in the Federal acknowledgement process; to the Committee on Resources.

By Mr. ROGERS of Michigan:

H.R. 4787. A bill to amend title 18, United States Code, to prohibit the sale to, and possession by, unauthorized users of traffic signal preemption transmitters, and for other purposes; to the Committee on the Judiciary.

By Mr. WU:

H.R. 4788. A bill to provide grants to States for tuition assistance for undergraduate studies for members of the Selected Reserve at public institutions of higher learning; to the Committee on Education and the Workforce.

By Mr. EMANUEL (for himself, Mr. HYDE, and Mr. FOLEY):

H. Con. Res. 470. Concurrent resolution recognizing the 60th anniversary of the Warsaw Uprising during World War II; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FRANK of Massachusetts introduced a bill (H.R. 4789) for the relief of Veronica Mitina Haskins; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. BROWN of South Carolina, Ms. VELÁZQUEZ, and Mr. LIPINSKI.
H.R. 99: Mr. COLE.
H.R. 107: Mr. LEWIS of Georgia and Mr. MCGOVERN.
H.R. 290: Ms. Herseth.
H.R. 391: Mr. DREIER and Mr. WHITFIELD.
H.R. 466: Ms. BALDWIN.
H.R. 717: Mr. SMITH of Washington.
H.R. 729: Ms. MAJETTE.
H.R. 734: Mr. DOGGETT.
H.R. 785: Mr. JENKINS.
H.R. 806: Mr. SHIMKUS.
H.R. 819: Mrs. CHRISTENSEN.
H.R. 890: Ms. ROS-LEHTINEN.
H.R. 1052: Ms. SLAUGHTER and Mr. WEXLER.
H.R. 1083: Mr. LEVIN.
H.R. 1157: Mr. BRADY of Pennsylvania and Mr. FATTAH.
H.R. 1225: Mr. NETHERCUTT.
H.R. 1229: Mr. EHLERS.
H.R. 1406: Mr. RAMSTAD and Mr. NETHERCUTT.
H.R. 1421: Mr. RENZI.
H.R. 1422: Mr. NORWOOD and Mr. NEAL of Massachusetts.
H.R. 1477: Mr. FATTAH and Mr. MCNULTY.
H.R. 1563: Mr. PLATTS.
H.R. 1639: Mr. FILNER.
H.R. 1861: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1935: Mr. WEXLER.
H.R. 2011: Mrs. WILSON of New Mexico.
H.R. 2107: Ms. SLAUGHTER.
H.R. 2173: Mr. DAVIS of Florida, Mr. SIMMONS, and Mr. TOWNS.
H.R. 2187: Mr. VAN HOLLEN.
H.R. 2203: Mr. FRANK of Massachusetts.
H.R. 2233: Mrs. DAVIS of California.
H.R. 2239: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2504: Mr. FILNER.
H.R. 2821: Mr. BOEHLERT and Mr. FILNER.
H.R. 2823: Mr. HYDE.
H.R. 2885: Mr. SIMMONS.
H.R. 2895: Mr. PITTS.
H.R. 2944: Mr. MILLER of Florida.
H.R. 3148: Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. GONZALEZ, Mr. WOLF, Mr. CUMMINGS, Mr. TERRY, Mr. KENNEDY of Rhode Island, and Mr. HOBSON.
H.R. 3194: Mr. FRANK of Massachusetts.
H.R. 3201: Mr. PLATTS.
H.R. 3308: Mr. SHIMKUS.
H.R. 3324: Mr. ANDREWS.
H.R. 3337: Mr. KUCINICH and Mr. ANDREWS.
H.R. 3474: Mr. SCHROCK, Mr. DAVIS of Illinois, and Ms. HERSETH.
H.R. 3545: Ms. KAPTUR.
H.R. 3593: Mr. UDALL of New Mexico.
H.R. 3634: Mr. MCGOVERN.
H.R. 3683: Ms. WATSON, Mr. FATTAH, Mr. BROWN of Ohio, Ms. LEE, and Mr. MCNULTY.
H.R. 3755: Mr. WEINER.
H.R. 3765: Mr. RANGEL and Ms. LEE.
H.R. 4016: Mr. KILDEE.
H.R. 4035: Mr. JACKSON of Illinois and Mr. DAVIS of Illinois.
H.R. 4057: Mr. MCKEON.
H.R. 4067: Mr. MICHAUD and Mr. JACKSON of Illinois.
H.R. 4093: Mr. FROST.
H.R. 4126: Mr. SAM JOHNSON of Texas.
H.R. 4217: Mr. PLATTS.
H.R. 4225: Mr. WELLER.
H.R. 4234: Mr. UDALL of Colorado.
H.R. 4340: Mr. JENKINS.
H.R. 4350: Ms. HERSETH.
H.R. 4356: Ms. HERSETH, Mr. DEFAZIO, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4358: Mr. LEVIN.
H.R. 4390: Ms. BERKLEY, Mr. COOPER, Ms. DELAURO, Mr. ETHERIDGE, Mr. FARR, Mr. HOEFFEL, Ms. KAPTUR, Ms. KILPATRICK, Ms. LEE, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MALONEY, Ms. NORTON, Mr. OBERSTAR, Mr. STRICKLAND, Mr. SNYDER, Mr. TAYLOR of Mississippi, Mr. TOWNS, Mr. UDALL of Colorado, and Mr. WAXMAN.
H.R. 4431: Mr. REYES.
H.R. 4454: Mr. CUNNINGHAM and Mr. HASTINGS of Washington.
H.R. 4469: Mrs. LOWEY.
H.R. 4479: Mr. RANGEL.
H.R. 4533: Mrs. CUBIN.
H.R. 4586: Mr. BLUNT.
H.R. 4595: Mr. ISRAEL, Mr. CLAY, Mr. TOM DAVIS of Virginia, Mr. JOHN, and Mr. DEUTSCH.
H.R. 4610: Mrs. CHRISTENSEN, Mr. HAYWORTH, and Mr. MCCOTTER.
H.R. 4622: Mr. ISSA.
H.R. 4662: Mr. HOSTETTLER.
H.R. 4671: Ms. LOFGREN, Mr. WEINER, Mr. MEEHAN, and Ms. BALDWIN.
H.R. 4679: Mr. DELAHUNT and Mr. MILLER of North Carolina.
H.R. 4701: Mr. SERRANO, Mr. OWENS, Mr. KUCINICH, Mr. BERMAN, and Mr. RANGEL.
H.R. 4746: Mr. KUCINICH.
H.R. 4758: Ms. CORRINE BROWN of Florida and Mr. DAVIS of Florida.
H.R. 4769: Mr. MORAN of Virginia, Ms. MAJETTE, and Mr. UDALL of New Mexico.
H.R. 4772: Mr. HOYER, Mr. MATSUI, Mr. HINOJOSA, Mr. GORDON, and Mr. MORAN of Virginia.
H.R. 4776: Mr. FROST.
H. Con. Res. 456: Mr. KILDEE.
H. Con. Res. 467: Mr. BLUMENAUER, Mr. HOLT, Ms. BERKLEY, Mrs. JONES of Ohio, Mr. MCNULTY, Ms. MCCOLLUM, and Mr. ENGEL.
H. Con. Res. 469: Mr. WEXLER, Ms. BERKLEY, Mr. NADLER, Mr. KING of New York, Mr. TOWNS, Mr. WILSON of South Carolina, and Mrs. JO ANN DAVIS of Virginia.
H. Res. 596: Mr. MILLER of Florida.
H. Res. 646: Ms. NORTON.
H. Res. 666: Mr. MEEKS of New York.
H. Res. 688: Mr. SESSIONS.
H. Res. 690: Mr. BERMAN, Mr. MARKEY, Mr. ACKERMAN, Mr. FRANK of Massachusetts, and Ms. BALDWIN.
H. Res. 695: Mrs. WILSON of New Mexico, Mr. RYAN of Ohio, and Mr. PORTMAN.
H. Res. 702: Mrs. MILLER of Michigan, Mr. UPTON, Mr. LEVIN, Mr. MCCOTTER, Mr. CONYERS, Mr. ROGERS of Alabama, Mr. CAMP, Mr. KILDEE, Mr. SMITH of Michigan, Ms. KILPATRICK, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. STUPAK, and Mrs. BONO.
H. Res. 703: Mr. ENGLISH.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4754

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to implement, litigate or defend the legality of, or enforce the regulations prescribed by the Comptroller of the Currency and published in the Federal Register on January 13, 2004, at 69 Fed. Reg. 1895—1904 (relating to the scope of visitorial powers of the Comptroller of the Currency) and at 69 Fed. Reg. 1904—1917 (relating to applicability and preemption of State law with respect to national bank operations).

H.R. 4754

OFFERED BY: MR. WEINER

AMENDMENT NO. 33: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the provisions of section 214(d) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228).

H.R. 4766

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 1: Add at the end (before the short title), the following new section:

SEC. 7____. The amounts otherwise provided by this Act are revised by reducing the amount made available under title I for ''COMMON COMPUTING ENVIRONMENT'' and by increasing the amounts made available under title I for ''MARKETING SERVICES'' and ''LIMITATION ON ADMINISTRATIVE EXPENSES'' under the heading ''AGRICULTURAL MARKETING SERVICE'' (for the Farmers Market Promotion Program and administrative expenses related to such program), by $6,000,000, $6,000,000, and $250,000, respectively.

H.R. 4766

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 2: In title I, under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount the following: ''(reduced by $6,000,000)''.

In title I, under the headings ''AGRICULTURAL MARKETING SERVICE-MARKETING SERVICES'', insert after the dollar amount the following: ''(increased by $6,000,000)''.

In title I, under the headings ''AGRICULTURAL MARKETING SERVICE-LIMITATION ON ADMINISTRATIVE EXPENSES'', insert after the dollar amount the following: ''(increased by $250,000)''.