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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. HENSARLING).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 21, 2004.

I hereby appoint the Honorable JEB HENSARLING to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

TEN YEARS

Mr. DELAY. Mr. Speaker, this week the Republican congressional majority will celebrate the 10th anniversary of the legislative agenda that helped win our majority in the 1994 elections. There will be both praise and criticism of our tenure in the majority, though on the whole, the record shows the benefits our stewardship has brought the Nation in the last decade.

In the last decade, welfare has been reformed, taxes have been cut four times, Medicare has been secured and our health care system strengthened,

our military has been restored to its rightful place atop our national agenda, the budget came into balance, public schools have been called to account for decades of underachievement, and our economy has grown 69 percent.

It was doubted so much could be accomplished in 20 years, let alone 10. But while many will seek to argue over our accomplishments of the last decade, the responsibility of those of us in the majority is to focus on the next decade. If the last 10 years have shown the American people that Republicans can govern, the next 10 years must show them that Republicans should govern. So, rather than looking back on an old agenda, we must look forward to a new one, of equal principle and utility, an agenda not just of words but deeds, to protect and defend the security, prosperity and families of the United States.

An agenda not just of tax relief but of fundamental, national tax reform. Not just of preserving our health care and retirement systems for the greatest generation, but of fundamentally rethinking those systems for all generations. Not just of helping small businesses succeed, but of passing sweeping lawsuit abuse reform and universal regulatory reform to get predatory lawyers and busybody bureaucrats off small businesses' backs once and for all. Not just of bandaging over the social wounds inflicted by a culture of death, but of taking up the cause of America's armies of compassion and our Nation's emerging culture of life. Not just of defending our Nation, but of proudly fighting for it, and the ideals upon which it was founded, anywhere and everywhere they are threatened.

It has been a good 10 years, Mr. Speaker. But the celebrations this week do not mark an end, but a new beginning, and a new era of ever more ambitious and worthy ideas, so that we may leave our Nation better than we found it.

That is the purpose of this institution, the goal of this Republican majority, and the driving force behind our agenda for the next 10 years.

SECURING THE NATION'S BORDERS

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

Mr. DREIER. Mr. Speaker, since the 9/11 Commission's final report was issued, we in this body have been working diligently to prepare legislation to improve our Nation's security. To that end, I want to talk about a paramount national security concern, and that is the security of our borders. I know many of us have seen this recent Time Magazine cover story which focused on the incredibly porous southern border that we have with Mexico.

I personally was absolutely horrified when I read this article, Mr. Speaker, on reports of human rights abuses perpetrated by "coyotes" who charge exorbitant fees to lead immigrants illegally across the border, as well as Time's accounts of the heinous acts committed by some of those illegals. And clearly, having a border which people feel they can cross illegally at any time is a national security vulnerability.

We must recognize that the vast majority of people who are coming across our borders illegally are looking for better economic opportunity for themselves and their families. This does not justify illegal entry into the United States. So let me make it very clear, Mr. Speaker, "illegal" means "illegal." But it does mean that a long-term solution to our immigration problem will only be found when the economies of Mexico and the rest of Latin America provide better opportunities for their

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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citizens. But the process of improving those economies, while underway, will be very, very difficult, it will take decades, and we obviously are hoping to implement the Ronald Reagan vision of a Free Trade Area of the Americas which will be very important to that.

As altruistic as Americans have historically been toward immigrants, we are, after all, a Nation of immigrants as we all know, we clearly cannot have foreigners illegally crossing the United States borders unbeknownst to our government. We know that international terrorists have illegally entered our country. That is why we must act now.

In this effort, I have been working closely with two great Americans. Those of you who read this Time Magazine article may recall the comments made by T.J. Bonner, a 26-year veteran still working as a border patrol agent, who is president of the National Border Patrol Council, which represents 10,000 border patrol employees. Bonner's first priority is to ensure that our border patrol agents have the backing they need to do their job. It is his plan, the Bonner plan, which I am introducing as legislation today.

I am joined by my good friend and Democratic colleague, the gentleman from Texas (Mr. REYES), who himself served as chief of the border patrol in both McAllen and El Paso, Texas, during a long and distinguished career fighting to protect our border from infiltration. I am extremely pleased to have the support of Messrs. Bonner and Reyes, for their expertise in border patrol issues is unparalleled. Our legislation gets at the root of the problem of illegal immigration, the draw of our strong economy.

We know why most people illegally cross our borders, as I was saying earlier. Jobs lure them to this country. They are seeking economic opportunity. We do not want to shut the door on that great American dream of opportunity, which is why we have programs where foreign nationals can legally migrate to the United States, can work and can eventually become citizens. But people who skirt the process and enter the United States illegally should not expect to benefit from the American taxpayer.

Under the Bonner plan, we will strenuously enforce laws which prohibit American businesses from employing illegal immigrants. Regrettably, these laws have not been regularly enforced. The laws are also undermined by the explosion in counterfeit identity documents and employers who are unable or unwilling to establish the authenticity of documents presented by job applicants.

Under our legislation, Mr. Speaker, we will dramatically improve the security of the very precious Social Security card by adding a photo ID and other countermeasures to reduce fraud. This same card will be encoded with a unique electronic algorithm to allow employers to verify each prospective

applicant's work eligibility status prior to hiring, either through an electronic card reader or a toll-free number. Mr. Speaker, employers will face stiff Federal fines of up to \$50,000 and up to 5 years in jail if they knowingly hire an illegal immigrant or choose not to verify a prospective employee's eligibility. The employer would also then be responsible for the cost of deporting the illegal immigrant. With the new and improved Social Security card and verification system, employers will have no excuse if they are found to have hired illegal immigrants.

By eliminating the supply of jobs for illegal workers, we will end the incentive for illegal immigrants to enter the United States because they know that they will be unable to make a living here.

I fully recognize that a number of American industries, from agriculture to gardening and house cleaning and others, have come to depend on an ample supply of illegal workers. That is why I have long supported efforts to establish a responsible guest worker program to allow willing employers to match up with willing foreign workers and to allow those workers to legally enter the United States temporarily to work and then ensure that they return to their homes as scheduled. Coupled with a guest worker program, the Bonner plan will have a positive impact on our economy and on our prospective workers. Workers will only need to update their Social Security card once, to have their photo placed on the card and for other long overdue antifraud measures to be applied. A worker would only need the updated Social Security card when applying for a new job. I want to make it very clear that this is not a national ID card. This is not a national ID card, Mr. Speaker. In fact, the legislation contains language to ensure that the improved Social Security card does not become a national ID card and is only used to verify a prospective employee's authorization to work in the United States. Social Security cards are already routinely required to be provided to new employers. The changes we are proposing to the Social Security card take us no further down the road of creating a national ID card.

Mr. Speaker, I encourage my colleagues to join in supporting this very important effort that will, as Governor Schwarzenegger has said, encourage the American people and those who are looking to come in to play by the rules. This is a top national security priority for us. I hope all of our colleagues will join with us.

[From Time Magazine, Sept. 20, 2004]

WHO LEFT THE DOOR OPEN?

(By Donald L. Barlett and James B. Steele)

The next time you pass through an airport and have to produce a photo ID to establish who you are and then must remove your shoes, take off your belt, empty your pockets, prove your laptop is not an explosive device and send your briefcase or purse through a machine to determine whether it

holds weapons, think about this: In a single day, more than 4,000 illegal aliens will walk across the busiest unlawful gateway into the U.S., the 375-mile border between Arizona and Mexico. No searches for weapons. No shoe removal. No photo-ID checks. Before long, many will obtain phony identification papers, including bogus Social Security numbers, to conceal their true identities and mask their unlawful presence.

The influx is so great, the invaders seemingly trip over one another as they walk through the old copper-mining town turned artist colony of Bisbee (pop. 6,000), five miles from the border. Having eluded the U.S. border patrol, they arrive in small groups of three or four, larger contingents of more than a dozen and sometimes packs of a hundred. Worried citizens who spot them keep the Bisbee police officers and Cochise County sheriffs deputies busy tracking down all the trespassing aliens. At night as many as 100 will take over a vacant house. Some crowd into motel rooms, even storage-compartment rental units. During the day, they congregate on school playgrounds, roam through backyards and pass in and out of apartment buildings. Some assemble at the Burger King, waiting for their assigned drivers to appear. Sometimes stolen cars are waiting for them, keys on the floor. But most continue walking to designated pickup points beyond Bisbee, where they will ride in thousands of stolen vehicles, often with the seats ripped out to accommodate more human cargo, on the next leg of their journey to big cities and small towns from California to North Carolina.

The U.S.'s borders, rather than becoming more secure since 9/11, have grown even more porous. And the trend has accelerated in the past year. It's fair to estimate, based on a TIME investigation, that the number of illegal aliens flooding into the U.S. this year will total 3 million—enough to fill 22,000 Boeing 737-700 airliners, or 60 flights every day for a year. It will be the largest wave since 2001 and roughly triple the number of immigrants who will come to the U.S. by legal means. (No one knows how many illegals are living in the U.S., but estimates run as high as 15 million.)

Who are these new arrivals? While the vast majority are Mexicans, a small but sharply growing number come from other countries, including those with large populations hostile to the U.S. From Oct. 1 of last year until Aug. 25, along the southwest border, the border patrol estimates that it apprehended 55,890 people who fall into the category described officially as other than Mexicans, or OTMS. With five weeks remaining in the fiscal year, the number is nearly double the 28,048 apprehended in all of 2002. But that's just how many were caught. TIME estimates, based on longtime government formulas for calculating how many elude capture, that as many as 190,000 illegals from countries other than Mexico have melted into the U.S. population so far this year. The border patrol, which is run by the Department of Homeland Security, refuses to break down OTMS by country. But local law officers, ranchers and others who confront the issue daily tell TIME they have encountered not only a wide variety of Latin Americans (from Guatemala, El Salvador, Brazil, Nicaragua and Venezuela) but also intruders from Afghanistan, Bulgaria, Russia and China as well as Egypt, Iran and Iraq. Law enforcement authorities believe the mass movement of illegals, wherever they are from, offers the perfect cover for terrorists seeking to enter the U.S., especially since tighter controls have been imposed at airports.

Who's to blame for all the intruders? While the growing millions of illegal aliens cross the border on their own two feet, the problem is one of the U.S.'s own making. The

government doesn't want to fix it, and politicians, as usual, are dodging the issue, even though public-opinion polls show that Americans overwhelmingly favor a crackdown on illegal immigration. To be sure, many citizens quietly benefit from the flood of illegals because the supply of cheap labor helps keep down the cost of many goods and services, from chicken parts to lawn care. Many big companies, which have an even clearer stake in cheap labor, aggressively fend off the enforcement of laws that would shut down their supply of illegal workers.

The argument is getting stronger, however, that this is a short-sighted bargain for the U.S. Beyond the terrorism risks, Washington's failure to control the Nation's borders has a painful impact on workers at the bottom of the ladder and, increasingly, those further up the income scale. The system holds down the pay of American workers and rewards the illegals and the businesses that hire them. It breeds anger and resentment among citizens who can't understand why illegal aliens often receive government-funded health care, education benefits and subsidized housing. In border communities, the masses of incoming illegals lay waste to the landscape and create costly burdens for agencies trying to keep public order. Moreover, the system makes a mockery of the U.S. tradition of encouraging legal immigration. Increasingly, there is little incentive to play by the rules.

In the aftermath of 9/11, illegal immigration slowed dramatically for two years. Now it has turned up again. The chronic reason is a Mexican economy unable to provide jobs with a living wage to a growing population. But those who live and work along the border say there is another, more immediate cue for the rush. In a speech on immigration policy last January, George W. Bush proposed "a new temporary-worker program that will match willing foreign workers with willing American employers when no Americans can be found to fill the jobs." The President said his program would give three-year, renewable work visas "to the millions of undocumented men and women now employed in the United States." In Mexico that statement was widely interpreted to mean that once Mexican citizens cross illegally into the U.S., they would be able to stay and eventually gain permanent residence. Even though the legislation shows no signs of getting through Congress this year, a run to the border has begun.

Ranchers, local law officers and others say that is the story they have heard over and over from border crossers. Rancher George Morin, who operates a 12,000-acre spread a few miles from the border, tells TIME, "All these people say they are coming for the amnesty program.

[They] have been told if they get 10 miles off the border, they are home free."

The border patrol, by nature an earnest and hard-working corps, is no match for the onslaught. From last October through Aug. 25, it apprehended nearly 1.1 million illegals in all its operations around the U.S. But for every person it picks up, at least three make it into the country safely. The number of agents assigned to the 1,951-mile southern border has grown only somewhat, to more than 9,900 today, up from 8,600 in 2000.

Given that the crisis of illegal immigration bridges the two main issues in the presidential campaign—the economy and national security—one might think that the candidates would pound their podiums with calls for change. But that's not the case so far. Bush has reaffirmed his pledge for an immigration policy that would provide worker's permits for aliens who find jobs, and John Kerry has promised to propose legislation that would lead to permanent residence for

many illegal-alien workers. Neither candidate has called for imposing serious fines on the people who encourage illegal immigration: corporate employers.

On the Mexican side of the border, President Vicente Fox has actively encouraged the migration. He made his goal clear in 2000 when he called for a fully open border within 10 years, with "a free flow of people, workers" moving between the two countries. When U.S. opposition to the proposal intensified after 9/11, Fox sought the same goal through the back door. He pushed U.S. businesses and city and state governments to accept as legal identification a card called a *matricula consular*, issued by Mexican consulates. That has allowed illegals to secure driver's licenses and other forms of identification and open bank accounts. Earlier this year Fox pushed U.S. bankers to make it easier for Mexicans working here—some of them legally but most illegally—to ship U.S. dollars back home.

Because of the exploding illegal population, the money sent back represents the third largest source of revenue in Mexico's economy, trailing only oil and manufacturing. That figure reached a record \$13 billion last year.

The current border-enforcement system has fostered a culture of commuters who come and go with some hardship but little if any risk of punishment. Thousands cross the U.S.-Mexico border multiple times.

Under immigration law, they could be imprisoned after the second offense. But no one is. Nor on the third, fourth or fifth. In fact, almost never. When asked whether Homeland Security would initiate criminal proceedings against a person who, say, is picked up on four occasions coming into the country illegally, a border-patrol representative said if it did, the immigration legal system would collapse. Said the spokeswoman: "Because there's such a large influx of people coming across, if we're to put the threshold at four and send them up [to Tucson, Ariz., or Phoenix, Ariz., for processing], we'd be sending . . . too many people, and it would overwhelm the immigration system."

People who live and work on the Arizona border know all about being overwhelmed.

LIVING IN THE WAR ZONE

When the crowds cross the ranches along and near the border, they discard backpacks, empty Gatorade and water bottles and soiled clothes. They turn the land into a vast latrine, leaving behind revolting mounds of personal refuse and enough discarded plastic bags to stock a Wal-Mart. Night after night, they cut fences intended to hold in cattle and horses. Cows that eat the bags must often be killed because the plastic becomes lodged between the first and second stomachs. The immigrants steal vehicles and saddles. They poison dogs to quiet them. The illegal traffic is so heavy that some ranchers, because of the disruptions and noise, get very little sleep at night.

John Ladd, Jr., a thoughtful, soft-spoken rancher just outside Bisbee, gives new meaning to the word stoic. He is forced to work the equivalent of several weeks a year to repair, as best he can, all the damage done to his property by never-ending swarms of illegal aliens.

"Patience is my forte," he says, "but it's getting lower." The 14,000-acre Ladd ranch, in his mother's family since the 1800s, is right on the border. Ladd and his wife and three sons as well as his father and mother have their homes there. The largely flat, scrub-covered piece of real estate, with its occasional groves of cottonwoods, spiny mesquite and clumps of sacaton grass and desert broom, seems to offer few places to hide. But the land is laced with arroyos in which

scores of people can disappear from view. Ditches provide trails from the border to Highway 92, a distance of about three miles. That is the route that Ladd says 200 to 300 illegals take every night as they enter the U.S. They punch holes in the barbed-wire border fence and then tear up the many fences intended to separate the breeding cattle—Brahmin, Angus and Hereford—that divide the Ladd land.

Ladd doesn't blame the border patrol, most of whose officers, he says, are doing all they can under the circumstances. Indeed, apprehensions of illegals in Arizona have soared from 9% of the nation's total in 1993 to 51% this year. "I have real heartache for the agents who are really working," he says. "They track down the [smugglers], and the judges let them off, and they get a free trip back to Mexico, where they can start all over." The border-patrol agents, Ladd feels, "are responsible guys in a hypocritical bureaucracy."

Border crossing at the Ladd ranch is so flagrant that sometimes the illegals arrive by taxi. A dirt road parallels the border fence and the Ladd property for several miles, in full view of border-patrol electronic lookout posts that ceased functioning long ago. When drivers reach an appropriate location, passengers pile out and run through one of the many holes in the fence and make their way across the ranch.

These gaps present their own special problem. On the other side are Mexican ranches whose cattle wander onto Ladd's. "I'm up to 215 Mexican cows that I've put back into Mexico," he says. "I've got a dual citizen friend—he's Mexican and American—works on this side for Phelps Dodge [Mining Co.], but he's got a ranch over at the San Jose Mountain. So I call him, and then he calls the Mexican cattle inspector. Then that guy meets me at the border and then coordinates the cows getting back to the rightful owners in Mexico." Ladd acknowledges that his do-it-yourself cattle diplomacy is "breaking both countries' laws." How so? "[In] the United States, you're supposed to quarantine any Mexican cattle for 30 days, and they test them for disease and everything else. What the problem is, there isn't enough cattle inspectors to do that, and then they don't have a holding corral anymore to do that."

Why does he spend so much time returning strays? So his counterparts in Mexico will return the favor because some of his cattle amble across the border through the same holes. "The whole reason that I started doing this for the Mexican ranchers was to show'em, 'Yeah, I'm honest. I'm going to give you yours back, so you give me mine.' And it's worked. But the whole story is that I've spent money on long-distance and talked to everybody from the Boundary Commission to USDA to border patrol to customs and everybody else, and I said, 'You need to do something with your international fence.'" He's still waiting.

While the Department of Homeland Security seemingly lacks the money to secure the border, it does have money to spend in quixotic ways.

In a \$13 million experimental program started in July, the border patrol will not just drop illegal Mexican aliens at the border but actually fly them, at taxpayer expense, into the heart of Mexico. The theory is that it will discourage them from making the trek north again. But as one illegal, a Dallas construction worker who was among the 138 aboard the first flight, told a Los Angeles Times reporter, "I will be going back in 15 days. I need to work. The jobs in Mexico don't pay anything."

The plight of Jim Dickson, a hospital administrator in Bisbee, is summed up with one image. It's an ambulance that pulls into

tiny Copper Queen Community Hospital and discharges illegal aliens injured in an auto accident. The border-patrol officers—on orders from Washington—have refused to take them onto the hospital property after taking them into custody. Instead, the officers have called an ambulance for the injured. If the officers were to arrive at the hospital to make their drop-off, then the border patrol (make that the U.S. government) would be responsible for paying the medical bill. And that's something the Federal Government (make that Congress) will not do. Instead, the government stiffes Dickson, 56, the genial CEO of the Copper Queen, a hospital that dates back to the turn of the previous century, when Bisbee was the largest town between San Diego and St. Louis, MO.

Dickson and his community hospital symbolize much of what has gone wrong with the immigration policies of the U.S. and Mexico—"the irresponsibility," as Dickson puts it politely, of both governments.

He figures he has another three years, maybe a little longer, before he might be forced to shut down the hospital. "We used to have 250 emergency-room visits a month. Now it's 500," says Dickson. They range from a lone man or woman rescued in the desert, suffering from dehydration or a heart attack, to multiple victims injured when vans jammed with 20 or more illegals crash during high-speed chases. Along the way the hospital is seeing more and more tuberculosis, aids and hepatitis. "We don't have to do disaster drills like other hospitals," Dickson says. "We have enough real disasters every year."

Unlike big governments, small community hospitals cannot run deficits forever. The Copper Queen's shortfall from treating illegal aliens grows each year. This year it will be about \$450,000, bringing the total for the past few years to \$1.4 million. With each money-losing year, a tiny piece of the 14-bed hospital dies. When that happens, the entire community suffers. Dickson's most agonizing decision came when he was forced to shutter the long-term-care unit. "It was the only place the elderly could go," he says. "If someone had dementia, we had a room for them." But no more. Now if people who spent their life in Bisbee need elder care, they must leave the area. "The more free care we give," Dickson says, "the more we have to ration what's left."

Dickson emphasizes that not all the free care is going to illegal aliens passing through on their way to other states. About half goes to Mexicans who use the Copper Queen as their personal emergency-care facility. In effect, the hospital, which performs general surgery, has become the trauma center for that stretch of northern Mexico. If an ambulance pulls up to the border-crossing point near Bisbee and announces "compassionate entry," the border patrol waves it through, and the Copper Queen is compelled to treat the patient. It is one more program that Congress mandates but does not pay for. "If you make me treat someone," says Dickson, "then you need to pay me. You can't have unfunded mandates in a small hospital." Although the Medicare drug act that passed last year provides for modest payments to hospitals that treat illegal aliens, Dickson says there is a catch that the U.S. government has yet to figure out. "How do I document an undocumented alien? How am I going to prove I rendered that care?"

They have no Social Security number, no driver's license."

The limits of compassion are also being tested on the Tohono O'odham Nation. About twice the size of Delaware, the tribe's reservation shares 65 miles of border with Mexico. Like the residents of the small Arizona towns just to the east, the Native Ameri-

cans, many of whom live without running water and electricity, are overwhelmed. The Nation's hospital is often packed with migrants who become dehydrated while crossing the scorching desert, where summertime temperatures reach upwards of 110 (degree). The undermanned tribal police force helps the border patrol round up as many as 1,500 illegals a day. "If this were happening in any other city or part of the country," says Vivian Juan Saunders, Tohono O'odham chairwoman, "it would be considered a crisis."

Yet the highest levels of the U.S. and Mexican governments have orchestrated this situation as a kind of dance: Mexico sends its poor north to take jobs illegally, and the U.S. arrests enough of the border crossers to create the illusion that it is enforcing the immigration laws while allowing the great majority to get through.

Local lawmen like Jim Elkins and Larry Dever have learned the dance firsthand, and their towns and counties have to pay for it.

Elkins has been the police chief in Bisbee for 12 years, on the force for 30. Dever has been the sheriff of Cochise County—which includes Bisbee and encompasses an area almost the size of Connecticut and Rhode Island, with 84 miles along the Mexican border—for eight years and a deputy before that for 20 years. The two lawmen handle the same kinds of citizen demands made on local law-enforcement agencies everywhere—from murder to drugs to reports of abandoned cats. But never have they seen the likes of today's work, in which their time is monopolized by relentless reports of alien groups making their way through the area. The entries from Bisbee police logs speak for themselves, these a sampling from Friday, May 7: 9:05 a.m.: "[Caller] advised udas [undocumented aliens] on foot, west [of] high school on dirt road. At least 10 in area. U.S. border patrol advised of same. 38 udas turned over to U.S. border patrol."

4:31 p.m.: "[Officer] located three udas walking on Arizona and Congdon. All three turned over to usbp [U.S. border patrol] Naco."

4:32 p.m.: "[Officer] copied a report of a silver-in-color van loaded with approximately 30 udas left Warren. Later copied vehicle went disabled at mile post 345 on Highway 80. Thirty to 35 udas were located with vehicle. Udas turned over to U.S. border patrol."

7:52 p.m.: "[Officer] located a group of udas in the area [of Blackknob and Minder streets]. Fifteen udas turned over to BP." 10:02 p.m.: "Reported a group of udas gathering on the bridge on Blackknob at Minder. Officers located six udas. tot [turned over to] usbp."

On and on it goes. "Every day we deal with this," says Elkins.

"People don't feel safe. The smugglers are dangerous people . . . I find it hard to believe we can get 80 to 100 people in our neighborhoods. They come across in droves." Transporting them requires fleets of stolen cars, which explains why Arizona ranks No. 1 in cars stolen per capita, with 56,000 ripped off last year. "This is a lot of work for us. We're a small department," says Elkins, who has 15 officers. "So much of our time is spent on federal issues. We should be getting money for this [from the Federal Government]. But we don't."

The kinds of crime found in most communities are interwoven with the illegal-alien traffic on the border. "Our methamphetamine problem is alarming," Elkins tells TIME. "The last three homicides here were related to meth. Kids doing meth will take a load of udas to Tucson or Phoenix for a couple of hundred dollars."

Sheriff Dever says more than a quarter of his budget "is spent on illegal immigration activities," and he points to the ripple effect

through the criminal justice system: "The illegal aliens can't make bond, so they spend more time in jail. They're indigent, so they get a public defender. If they have health problems, they have to be treated."

Dever feels overrun and doesn't mind who knows it. He relates a story about a recent visit by a television crew that arrived in his office and asked whether he was aware that a group of presumably illegal aliens was camped out in a drainage ditch next to the sheriff's headquarters. Sensing a story, the crew wondered if he was embarrassed by the aliens' presence. A plainspoken man, Dever said he was not the least bit embarrassed. Their presence, he said, illustrated quite pointedly just how pervasive the problem was.

The people who probably should be a little embarrassed are the folks up the road at Fort Huachuca, Ariz., home of the U.S. Army's top-secret Intelligence Center. The facility, which trains and equips military intelligence professionals assigned around the world, also happens to be a thoroughfare for illegal aliens and drug smugglers, with mountains on the base providing a safe haven.

Using some of the same routes as the people smugglers, the drug runners are well armed, equipped with high-tech surveillance equipment and don't hesitate to use their weapons. That's what happened earlier this year, when law-enforcement officers and Mexican drug runners engaged in a fire fight at the border in front of a detachment of Marines just back from Iraq, who were installing a steel fence to prevent illegal aliens from driving through the flimsy barbed wire. The Marines, unarmed, watched placidly. None were injured.

The situation across southern Arizona has spun so far out of control that many on the border believe a day of reckoning is fast approaching, when an incident—an accidental shooting, multiple auto fatalities, a confrontation between drug and people smugglers—will touch off a higher level of violence. And the nightmare scenario: some resident frustrated by the Federal Government's refusal to halt the onslaught will begin shooting the border crossers on his or her property. As a rancher summed up the situation: "If the law can't protect you, what do you do?" Everyone, it seems, is armed, including nurses at the local hospital, who carry sidearms on their way to work out of fear for their safety.

HOW CORPORATE AMERICA THRIVES ON ILLEGALS

Popular belief has it that illegals are crossing the border in search of work. In fact, many have their jobs lined up before they leave Mexico. That's because corporate managers go so far as to place orders with smugglers for a specific number of able bodies to be delivered. For corporate America, employing illegal aliens at wages so low few citizens could afford to take the jobs is great for profits and stockholders. That's why the payrolls of so many businesses—meat packers, poultry processors, landscape firms, construction companies, office-cleaning firms and corner convenience stores, among others—are jammed with illegals. And companies are rarely, if ever, punished for it.

A single statistic attests to this. In 2002 the former Immigration and Naturalization Service (INS) issued orders levying fines on only 13 employers for hiring illegal aliens, a minuscule portion of the thousands of offenders. Nonenforcement of employer sanctions, which is in keeping with the Federal Government's nonenforcement of immigration laws across the board, has been the equivalent of hanging out a help wanted sign for illegals. Says Steven Camarota, research

director for the Center for Immigration Studies, a nonpartisan think tank on immigration issues: "They're telling people, 'If you can run that border, we have a job for you. You can get a driver's license."

You can get a job. You'll be able to send money home.' And in that context, you'd be stupid not to try. We say, 'If you run the gauntlet, you're in.' That's the incentive they've created."

For nearly 20 years, it has been a crime to hire illegal aliens. Amid an earlier surge in illegal immigration, Congress passed the Immigration Reform and Control Act of 1986, which provided that employers could be fined up to \$10,000 for every illegal alien they hired, and repeat offenders could be sent to jail. The act was a response to the widespread belief that employer sanctions were the only way to stem the tide. "We need employer sanctions to reduce the attraction of jobs in the U.S.," an INS spokesman declared as Congress debated the bill. When President Ronald Reagan signed it, he called the sanctions the "keystone" of the law. "It will remove the incentive for illegal immigration by eliminating the job opportunities which draw illegal aliens here," he said. Making it a crime for a company to hire an illegal was seen as such a dramatic step at the time that many worried over the consequences. Phil Gramm, then a Republican Senator from Texas, said the legislation "holds out great peril, peril that employers dealing in good faith could be subject to criminal penalties and in fact go to jail for making a mistake in hiring an illegal alien."

But companies had little to fear. Neither Reagan nor subsequent Presidents or Congresses were eager to enforce the law. The fate of just one provision in the 1986 act is revealing. As part of the enforcement effort, the law called for a pilot program to establish a telephone verification system that employers could use when hiring workers. It would allow employers to tap into a national data bank to determine the legal status of a job applicant. Only those who had legitimate documentation would be approved. With such a system, employers could no longer use the excuse that they had no way to verify a potential worker's legal status.

To this day—18 years after passage of the immigration-reform bill—a nationwide telephone-verification system has yet to be implemented. A small-scale verification project was established in 1992, but it covered only nine employers in five states. In 1996, Congress enacted yet another immigration-reform bill, and it too provided for a telephone verification program. Called Basic Pilot, it promised to provide employers with an easy way to verify a prospective employee's status. An employer who signed up for the system could call an 800 number and provide the name, Social Security number or the alien ID number of a new hire. The employer would receive either a confirmation that the number and name were valid or an indication that called for further checking.

The system is fatally flawed. Basic Pilot is voluntary. Employers aren't required to sign up. Imagine what compliance with tax laws would be if filing a 1040 were optional.

For all the rhetoric about the perils of illegal immigration, Congress shows no interest in cracking down on employers. When the INS attempted in the past to enforce the law, lawmakers slapped down the agency. In 1998 the INS launched Operation Vanguard, a bold attempt to catch illegals in Nebraska's meat-packing industry. Rather than raid individual plants to round up undocumented workers, as it had done for years, the INS aimed Operation Vanguard at the heart of illicit hiring practices. The agency subpoenaed the employment records of packing houses, then sought to match employee num-

bers with other data like Social Security numbers.

The INS subpoenaed some 24,000 hiring records and identified 4,700 people with discrepancies at 40 processing plants. It then called for further documentation to verify the workers' status. Nebraska was seen as just the first step. Plans were in the works to launch similar probes in other states where large numbers of illegals were known to be employed in the meat-packing industry. But the INS never got the chance. A huge outcry in Nebraska from meat-packers, Hispanic groups, farmers, community organizations, local politicians and the state's congressional delegation forced the INS to back off.

Not surprisingly, the INS's employer-sanctions program has all but disappeared. Investigations targeting employers of illegal aliens dropped more than 70%, from 7,053 in 1992 to 2,061 in 2002. Arrests on job sites declined from 8,027 in 1992 to 451 in 2002. Perhaps the most dramatic decline: the final orders levying fines for immigration-law violations plunged 99%, from 1,063 in 1992 to 13 in 2002.

As might be expected, employers got the message, albeit one quite different from that spelled out in the 1986 and '96 legislation. Now many corporate managers feel emboldened to place orders for workers while the prospective employees are still in Mexico, then assist them in obtaining phony documentation and transport them hundreds, sometimes thousands of miles from the interior of Mexico to a production line in an American factory.

This notion was supported by evidence introduced during an alien smuggling trial in 2003 involving Tyson Foods Inc., which describes itself as "the world's largest processor and marketer of chicken, beef and pork." In this secretly recorded conversation, a federal undercover agent posed as an alien smuggler who was taking an order from the manager of a chicken-processing plant in Monroe, N.C.:

FEDERAL AGENT: [After explaining that he was a friend of a mutual friend] He said you wanted to talk to me?

CHICKEN-PLANT MANAGER: Yeah, about help . . . Now I'm going to need quite a few . . . Starting on the 29th, a Monday, we are going to start. How many can I get, and how often can you do it?

FEDERAL AGENT: Well, it's not a problem. I think [the mutual friend] told me that you wanted 10?

CHICKEN-PLANT MANAGER: Well, 10 at a time. But over the period of the next three or four months—January, February, March, April, probably May, stuff like that—I'm going to replace somewhere between 300 and 400 people, maybe 500. I'm going to need a lot.

FEDERAL AGENT: . . . I can give you what you need.

CHICKEN-PLANT MANAGER: Now let me ask you this. Do these people have a photo ID and a Social Security card?

FEDERAL AGENT: No . . . these people come from Mexico. I pick them up at Del Rio. That's in Texas, after they cross the river, and then we take them over there, and they get their cards. [The mutual friend] gets them their cards, I guess.

CHICKEN-PLANT MANAGER: I need to talk to him about that.

FEDERAL AGENT: About the cards?

CHICKEN-PLANT MANAGER: Yes, some of them that's got the INS card, and if they put it in a computer . . . if it's not any good . . . Something happens, and we have to lay them off. But if they just have got a regular photo ID from anywhere and a Social Security card, then we don't have to do that.

Securing phony paperwork was part of the scheme, and corporate plant managers often

knew in detail how the illegals got their papers. This was apparent in the following exchange between the undercover federal agent arranging for illegals and the manager of a Tyson facility in Glen Allen, Va. The manager is talking about a go-between named Amador who had delivered workers in the past.

TYSON MANAGER: When I went to Tyson and I met Amador, we had very few Spanish-speaking people. With Amador's help, in a couple of years, we went from very few to 80%.

FEDERAL AGENT: My job . . . is to get the people in Mexico to come to the border. When they cross the river, I pick them up, and then I take them to Amador. And he says he can get them, you know, their cards—their IDs and their Social Security cards, and they can go to work that way.

TYSON MANAGER: Excellent. That's what we're needing.

Two Tyson managers later pleaded guilty to conspiring to hire illegal aliens. Three other managers were acquitted of the charges, as was the Tyson Corp. itself. The company insisted that it did not know that illegals were being hired at some of its plants. A company spokesman said the charges were "absolutely false. In reality, the specific charges are limited to a few managers who were acting outside of company policy at five of our 57 poultry-processing plants."

One of the arguments that is regularly advanced to justify hiring illegal workers is that they are merely doing jobs American workers won't take. President Bush echoed the theme earlier this year when he proposed the immigration-law changes that would allow millions of illegals to live and work in the U.S.: "I put forth what I think is a very reasonable proposal, and a humane proposal, one that is not amnesty, but, in fact, recognizes that there are good, honorable, hard-working people here doing jobs Americans won't do."

While there is no doubt that many illegal aliens work long hours at dirty, dangerous jobs, evidence suggests that it is low wage rates, not the type of job, that American workers reject. That also surfaced in the Tyson case. The two Tyson managers who pleaded guilty contended that they had been forced to hire illegals because Tyson refused to pay wages that would let them attract American workers.

One of those two managers was Truley Ponder, who worked at Tyson's processing plant in Shelbyville, Tenn. In documents filed as part of Ponder's guilty plea, the U.S. Attorney's office noted, "Ponder would have preferred for the plant to hire 'local people,' but this was not feasible in light of the low wages that Tyson paid, the low unemployment rate in the area from which the plant drew its work force, and the general undesirability of poultry processing work when there were numerous other employment opportunities for unskilled and low skilled employees."

"Ponder made numerous requests for pay increases in Shelbyville above and beyond what the company routinely allowed, but Tyson's corporate management in Springdale rejected his requests for wage increases for production workers. This refusal to pay wages sufficient to enable Tyson to compete for legal laborers, plus the limited work force in the local area, dictated Ponder's need to bring workers in to meet Tyson's production demands." Needless to say, hiring illegals had benefits for Tyson. A government consultant estimated that the company saved millions of dollars in wages, benefits and other costs.

When asked whether the company has any illegals on its payroll today, a Tyson spokesman said, "We have a zero tolerance for the

hiring of individuals who are not authorized to work in the U.S. Unfortunately, the reality for businesses across the country is that it is becoming increasingly difficult to determine just who has proper authorization. The tangle of laws and the increasing sophistication of those providing false documentation puts employers in a very tough position . . . Given the scope of undocumented immigration to the U.S., we and countless other American businesses face a very difficult task in trying to figure out who is eligible to work."

The impact of the below-market wage earners tends to fall hardest on unskilled workers at the bottom of the wage pyramid. "Any sizable increase in the number of immigrants will inevitably lower wages for some American workers," says George Borjas, a professor at the Kennedy School of Government at Harvard. Borjas calculates that all immigration, by increasing the labor supply from 1980 to 2000, "reduced the average annual earnings of native-born men by an estimated \$1,700, or roughly 4%." Borjas says African Americans and native-born Hispanics pay the steepest price because they are more often in direct competition with immigrants for jobs.

WHY ALIEN CRIMINALS ARE AT LARGE IN THE U.S.

Perhaps the most alarming aspect of having 15 million illegals at large in society is Congress's failure to insist that federal agencies separate those who pose a threat from those who don't. The open borders, for example, allow illegals to come into the country, commit crimes and return home with little fear of arrest or punishment.

From Oct. 1, 2003, until July 20, 2004, the border patrol's Tucson sector stopped 9,051 persons crossing into the country illegally who had criminal records in the U.S., meaning they committed crimes here, returned to Mexico, then were trying to re-enter the country. Among them: 378 with active warrants for their arrest. In one week, said border patrol spokeswoman Andrea Zortman, there were two with outstanding "warrants for homicide."

And those were just the illegals the border patrol determined had arrest records. Most go undetected. Reason: the border patrol's electronic fingerprint-identification system, which allows officers to determine how many times an alien has been caught sneaking into the U.S., has only a limited amount of criminal-background data. The FBI maintains a separate electronic fingerprint-identification system that covers everyone ever charged with a crime. In true bureaucratic fashion, the two computer systems do not talk to each other. In the 1990s, the two agencies were directed to integrate their systems.

They are still working at it. The most optimistic completion date is 2008. Until then, illegals picked up at the border may have any number of criminal charges pending, but the arresting officers will never know and will allow the intruders to return home.

In any event, the numbers suggest that tens of thousands of criminals, quite possibly hundreds of thousands, treat the southern border as a revolving door to crimes of opportunity. The situation is so out of control that of the 400,000 illegal aliens who have been ordered to be deported, 80,000 have criminal records—and the agency in charge, the Homeland Security Department, does not have a clue as to the whereabouts of any of them, criminal or noncriminal, including those from countries that support terrorism.

What's more, those figures are growing. Every day, prisons across the U.S. release alien convicts who have completed their court-ordered sentences. In many cases, the INS has filed detainers, meaning the prisons

are obliged to hold the individuals until they can be picked up by immigration agents and returned to their native countries. But state law enforcement authorities are not permitted to keep prisoners beyond their original sentence. When Homeland Security agents fail to show up promptly, which is often, the alien convicts are released back into the community. In addition to all these, at least 4 million people who arrived in the U.S. legally on work, tourist or education visas have decided to ignore immigration laws and stay permanently.

Again, Homeland Security does not have the slightest idea where these visa scofflaws are.

The government's record in dealing with the 400,000 people it has ordered to be deported is dismal. A sampling of cases last year by the Justice Department's Office of Inspector General (oig) found that of illegal aliens from countries supporting terrorism who had been ordered to be deported, only 6% of those not already in custody were actually removed. Of 114 Iranians with final orders for removal, just 11 could be found and were deported. Of 67 Sudanese with final-removal orders, only one was deported. And of 46 Iraqis with final-removal orders, only four were sent packing. All the rest, presumably, were living with impunity somewhere in the U.S. Those statistics tell only part of the story. Most people charged with an immigration-law violation do not even bother to show up for a court hearing. Imagine for a moment a majority of people charged with a crime in state or federal courts flouting the indictment or charge and refusing to appear in court. They would be swiftly arrested.

But immigration law marches to a different drummer. Most illegals, including those with arrest records, are not jailed while awaiting a hearing. That's because Congress has failed to appropriate enough money to build sufficient holding facilities. Rather, the immigrants are released on their promise to return. They don't. And the odds are they won't be found. The oig investigation revealed that of 204 aliens ordered to be removed in absentia, only 14 were eventually located and shipped out.

The situation is even worse when it comes to those aliens whose requests for asylum are rejected and who are ordered to be deported.

The oig study found that only 3% of those seeking asylum who were ordered removed were ultimately located and deported. That pattern, like failed immigration-law enforcement across the board, bodes well for potential terrorists. In the 1990s, half a dozen aliens applied for asylum before committing terrorist acts. Among them: Ahmad Ajaj and Ramzi Yousef, who entered the country in 1991 and 1992, respectively, seeking asylum. According to the oig, Ajaj left the U.S. and returned in 1992 with a phony passport. He was convicted of passport fraud. Yousef completed the required paperwork and was given a date for his asylum hearing. In the meantime, in 1993, the two men helped commit the first World Trade Center attack, for which they were convicted and imprisoned. At the time, Yousef's application for asylum was still pending.

So what does the failed immigration system mean for ordinary people?

Just ask Sister Helen Lynn Chaska. Actually, you can't. You will have to ask her family and friends.

It's the waning days of summer in 2002 in Klamath Falls, Ore., a city of about 19,000 on the eastern edge of the Cascade Mountains. Two nuns who belonged to the Order of the Immaculate Heart of Mary in Bellevue, Wash., had made one of their periodic trips to Klamath Falls to carry out missionary work. As they had in the past, Sister Helena

Maria (her church name), 53, and Sister Mary Louise, 52, checked into a Best Western motel. On Saturday, Aug. 31, they spent the evening proselytizing and selling religious items outside an Albertsons supermarket.

After returning to the motel, the two set out on their ritual prayer walk shortly after midnight. They were dressed in the blue habits they always wore as they walked on a darkened bike path behind the motel, reciting their rosaries. As they reached the midway point in their prayers and turned back toward the motel, they heard a bicycle coming up behind them. A Hispanic male in his 30s or 40s got off, grabbed both women and began kissing them. The more they resisted, the angrier he became. He finally punched Sister Mary Louise in the right eye so hard that she fell and hit her head on a rock, leaving her dazed. While holding Sister Helena Maria so tightly by the rosary knotted around her neck that she gasped for breath, he raped her first and then raped and sodomized Sister Mary Louise and raped Sister Helena Maria a second time. The man pulled the veil over Sister Mary Louise, told her not to move or he would kill her, climbed back on his MTB Super Crown bike and pedaled off. Sister Helena Maria was dead. The rosary had been wound so tightly, its marks were embedded in her neck.

Later that day, police tracked a suspect to another motel, where they began questioning him. He gave his name as Jesus Franco Flores, which turned out to be one of many names he used. In the end, he confessed to beating and raping both nuns. He was not supposed to be in the U.S.; he had been deported at least three times. By his account, his unlawful entries into the U.S. began in 1986 at the age of 17. Under the name Victor Manuel Batres-Martinez, which may have been his legal name, he found his way to Oregon, where he was arrested for unauthorized use of a motor vehicle. His sentence to a juvenile facility was suspended, with the understanding that the INS would deport him. The agency did so and in May 1987 granted him a voluntary return to Mexico, with a notation on government records that "subject has many good productive years ahead of him."

Assuming he went as the INS promised, he didn't stay long. In September that year, he was arrested and convicted of theft and shoplifting in Wenatchee, Wash., under the name Manuel Martinez. Two months later, he was convicted of felony sales of marijuana and hashish in Los Angeles and sent to jail for 60 days. In March 1988 he was arrested in Los Angeles, once for robbery, once for possession of a controlled substance. Another possession arrest followed in April.

In August he was arrested in Los Angeles for robbery. In December he was sent to prison in California for second-degree robbery and kidnapping. While there, he was treated for what was deemed to be "a significant psychiatric disorder."

In January 1992, after his release, the INS sent him back to Mexico by way of Nogales, Ariz. Six months later, he was back again, spotted by border-patrol officers as he attempted to come back into the U.S. near El Paso, Texas. When agents tried to stop him, he ran into rush-hour traffic on Interstate 10, "narrowly avoiding collision with several cars," according to immigration records. He subsequently was arrested, that time under the name Mateo Jimenez, and ordered to be returned to Mexico. It didn't stick. In November he was arrested by Portland, Ore., police for possession and delivery of a controlled substance. He never showed up for court appearances.

On two occasions in January 2002, border-patrol agents again apprehended him as he tried to re-enter the U.S. Both times they returned him to Mexico. If the border patrol's

electronic fingerprint identification system had been in synch with the FBI's, the agents would have discovered Batres-Martinez's extensive criminal record. Given his prior deportations, Batres-Martinez could have been charged with re-entry after deportation, a felony that carries a substantial prison sentence. In any event, Batres-Martinez told police in Klamath Falls that he entered the U.S. on Aug. 11, 2002, that time coming through New Mexico. He said he hopped a freight train for San Bernardino, Calif., and looked for work, without success, from Los Angeles to Stockton. When he heard that he might have better luck in Portland, he hopped another train but got mixed up in a freight yard and ended up in Klamath Falls.

To avoid the death penalty, Batres-Martinez pleaded guilty to the murder of Sister Helena Maria, attempted aggravated murder of Sister Mary Louise and rape of both nuns. He was sentenced to life in prison without the possibility of parole.

As for U.S. immigration authorities, they were characteristically ineffectual. On Sept. 5, four days after the murder, the INS faxed an immigration detainer to the Klamath County jail, concerning Maximiliano Silerio Esparza, also known as Victor Batres-Martinez: "You are advised that the action below has been taken by the Immigration and Naturalization Service concerning the above-named inmate of your institution: Investigation has been initiated to determine whether this person is subject to removal from the United States."

Both political parties and their candidates pay lip service to controlling the borders. But neither President Bush nor Senator Kerry supports a system that would end the incentives for border crossers by cracking down on the employers of illegals. T.J. Bonner, president of the National Border Patrol Council, a labor organization that represents 10,000 border-patrol employees, believes the solution is obvious. The U.S. government, he says, should "issue a single document that's counterfeit proof, that has an embedded photograph, that says this person has a right to work in the U.S. And that document is the Social Security card. It's not a national ID card.

It's a card that you have to carry when you apply for a job and only then. The employers run it through a scanner, and they get an answer in short order that says, Yes, you may hire, or No, you may not. That would cut off 98% of all the traffic across the border. With your work force of 10,000 border-patrol agents, you actually could control the borders."

But Bonner doesn't see that happening anytime soon because of pressure from corporate America. And all the available legislative evidence of the past quarter-century supports that view. "All the politicians—it doesn't matter which side of the aisle you're on—rely heavily on the donations from Big Business," he says, "and Big Business likes this system [of cheap illegal labor]."

Unfortunately, in the post-9/11 world, this system puts us in jeopardy."

In the 9/11 commission's final report, now on the best-seller lists, the panel of investigators took note of the immigration breakdown in general, saying that "two systemic weaknesses came together in our border system's inability to contribute to an effective defense against the 9/11 attacks: a lack of well-developed counterterrorism measures as a part of border security and an immigration system not able to deliver on its basic commitments, much less support counterterrorism. These weaknesses have been reduced but are far from being overcome."

Folks on the border who must deal daily with the throngs of illegals are not optimistic that the Federal Government will change its ways.

As Cochise County Sheriff Dever dryly observes, "People in Washington get up in the morning, their laundry is done, their floors are cleaned, their meals are cooked. Guess who's doing that?"

THE BUSH MEDICARE BILL'S DIRTY LAUNDRY

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

Mr. BROWN of Ohio. Mr. Speaker, America's newspapers are widely read, except on Saturdays. So it is not much of a surprise that the Bush administration waited until late on a Friday afternoon leading into Labor Day weekend to announce that they were raising Medicare premiums by a record 17.4 percent. That is the sort of news, however, you just cannot suppress, so the news that Saturday was all about the Bush administration's plans to impose the biggest premium increase in Medicare's 38-year history. But the White House public relations office is nothing, if not tenacious. So faced with the bad news and faced with the blame for that increase that would naturally affix to the Bush administration, they did what they always do, they tried to shift the blame. Even though the Republicans have controlled the House and the Senate and the White House for the last 3½ years, it is actually the Democrats, they said, who are responsible for the premium increase. But no one bought it then and no one buys it now. The facts are the facts and no amount of spin, no amount of revisionist history, can change the facts.

Before the Bush Medicare bill became law, the nonpartisan Medicare trustees estimated the monthly Medicare premium increase for 2005 would be \$2. After the Bush Medicare bill became law, the premium increase instead jumped \$11.60. That is the 17.4 percent record increase. The facts are that the premium increase after the Bush Medicare law, which was written by the drug and insurance companies, is five times larger than the premium increase estimated before Congress passed the Medicare law.

So where is all that money going? Where are the billions of dollars out of seniors' pockets, that huge increase, where are those dollars going? The Bush administration is quick to remind us that some of it goes to new preventive health care benefits. That is true. But what they are less eager to say is that a whole lot of it is going directly from seniors' pockets into the pockets of the biggest HMO insurance companies in the country.

The Bush Medicare law creates a \$23.5 billion slush fund that HMOs can use to lure seniors out of Medicare and out of Medicare's reliable, equitable core program into the HMO private insurance. This windfall is in addition, this insurance company payoff, to the payments HMOs receive in exchange

for covering enrollees. It is a bonus largely paid for because of major political contributions the insurance and the drug industries have made to the Bush administration. Seniors who already spend more than 20 percent of their incomes on out-of-pocket health care costs are receiving a giant increase in their Medicare premiums, and HMOs are receiving a giant boost to their bottom line. HMO profits already, before the Bush administration did this, jumped 50 percent last year. They hardly need more money from America's overstretched seniors.

Social Security benefits for seniors will increase by 2 percent next year. So the Social Security increase and the checks that seniors get will go up 2 percent. The Medicare premiums will go up 17 percent. I will say it again. The Bush administration is draining billions from the Medicare trust fund into the pockets of the big insurance companies. At the same time, the Bush administration is emptying the pockets of America's seniors, again to the tune of billions of dollars.

It is no secret that President Bush and his privatization of Medicare plans wants to take the responsibility for retiree health care away from Medicare and give it to HMOs. But to actually make seniors pay more so the President can pave over their Medicare program, every senior should be enraged, every American taxpayer should be outraged and none of us should put up with it.

The bottom line is the Medicare legislation which the President pushed through this Congress and signed was written by the drug industry and the insurance industry. Medicare premiums went up 17 percent announced by the administration earlier this month and the drug companies and the insurance companies have given President Bush and the Republican leadership tens of millions of dollars in political contributions this year. In the end, it is really as simple as that.

STENHOLM DEBT LIMIT AMENDMENT TO TREASURY TRANSPORTATION APPROPRIATIONS BILL

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

Mr. STENHOLM. Mr. Speaker, 3½ years ago, there was a lot of talk around here about budget surpluses. Some folks actually claimed there was a danger that the government would pay off our debt held by the public too quickly. Today, projections of large budget surpluses have been replaced with projections of deficits as far as the eye can see, and the administration is asking Congress to approve another increase in the debt limit, the credit card limit, if you please, for the United States of America.

Last year, the Republican leadership slipped through a \$984 billion increase

in the debt limit, the largest increase in history, without an up-or-down vote in the House of Representatives. This came less than 8 months after we raised the Federal debt ceiling by \$450 billion. To put that in proper perspective, it took our country 204 years to borrow the first \$984 billion. The Treasury Department estimates that the national debt will exceed the statutory debt limit, which is currently \$7.384 trillion, sometime in late September or October, just before the election.

But instead of taking responsibility to pass an increase in the debt limit to pay for our policies, the leadership is counting on the Treasury Department to rely on so-called extraordinary actions, such as dipping into retirement trust funds to avoid reaching the statutory debt limit until mid November and avoid a vote on legislation increasing the debt limit until a lame duck session after the election. These extraordinary actions should be a last resort to avoid a default during a crisis, not a routine action used for political convenience. It would be irresponsible to take funds from retirement trust funds simply to avoid a discussion of the fiscal problems highlighted by the need to increase the debt limit.

When the House resumes consideration of the Treasury Transportation appropriations bill today, I will offer an amendment which would prohibit the Secretary of Treasury from dipping into retirement trust funds in order to circumvent the statutory debt limit. The effect of my amendment would be to force Congress to take responsibility for the increase in the national debt by approving an increase in the debt limit before adjourning in October instead of deferring action until a lame duck session. Congress should have a full and open debate on increasing our national debt limit above \$8 trillion instead of relying on financial maneuvers to avoid a vote.

There would be no risk of default if Congress met its responsibility to approve an increase in the debt limit before we adjourn for the election. If my Republican colleagues honestly believe that tax cuts with borrowed money is good economic policy, they should be willing to stand up and vote to increase the national debt to pay for their tax cuts instead of relying on financial maneuvers. Just like credit card spending limits serve as tools to force families to examine their household budgets, the debt limit reminds Congress and the President to evaluate our budget policies.

The national debt has increased by \$670 billion over the last 12 months and \$1.5 trillion over the last 3 years. The Congressional Budget Office projects that the national debt will exceed \$10 trillion in just over 4 years under our current budget policies. As of the end of April, \$1.813 trillion of our debt was held by foreign investors, more than \$1 trillion of which is held by official institutions. Japan now holds \$695 billion of our debt, and the Chinese another

\$217 billion. Despite this, the leadership of this body is talking about bringing up legislation this week that would add another \$130 billion to that debt.

We should not pay for tax cuts or spending by borrowing money against our children's future. Congress should be required to sit down and figure out how to make things fit within a budget just like families do every day. The borrow-and-spend policies of the current majority will leave a crushing debt burden for future generations who do not have any say in what we are doing today and do not benefit from the tax cuts and spending programs for current generations.

The one tax that cannot be repealed is the debt tax, the cost of paying interest on our national debt. The debt tax consumed 18 percent of all government revenues to pay interest on the national debt last year and 40 percent of every dime of income taxes is required to pay interest today at current interest rates. Congress should not grant the administration a blank check to continue on the path of deficit spending. Before we vote to increase the debt limit, we should reinstate the budget enforcement rules which make it harder to pass legislation which would put us further into debt, including pay-as-you-go for all legislation.

If the leadership were willing to work with us to add meaningful budget enforcement provisions to legislation increasing the debt limit, the Blue Dog Democrats would gladly supply bipartisan support for an increase in the debt limit. But if the majority wants to continue with their economic policies that have us on a path to running up more than \$10 trillion in debt by the end of the decade, they should be willing to step up to the plate and approve the increase in the debt limit necessary to pay for their policies and not hide until after the elections to tell the people what the results are.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 53 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 2 p.m.

PRAYER

Dr. Gary P. Zola, Executive Director, American Jewish Archives, Cincinnati, Ohio, offered the following prayer:

As we begin legislative deliberations in this great shrine of democracy, we call to mind the words of an American original, Sam Levensen, that Spanish-

teacher-turned-entertainer whose homespun stories about his immigrant parents delighted our Nation for generations. Upon his death, Levensen's children discovered their father's ethical will containing these prayerful sentiments:

To America, I owe a debt for the opportunity it gave me to be free and to be me. To my parents I owe America. They gave it to me, and I leave it to you. Take good care of it.

To the Bible, I owe the belief that the human does not live by bread alone, nor do we live alone at all. This is also the democratic tradition. Preserve it.

In this year marking the 350th anniversary of Jewish life in this great land, may we all acknowledge our debt to America, to the courageous immigrants who gave us this national inheritance, and to the Source of All for endowing us with the benefit of our patriot's dream, a Nation pledged to uphold the conviction that liberty and justice are for all.

Thankful are we this day for the manifold blessings that are our daily portion and possession in this great and blessed Nation.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 138. Concurrent resolution commending John W. Kluge for his dedication and commitment to the United States on the occasion of his 90th birthday.

The message also announced that the Secretary be directed to request the return of (H.R. 4567) "An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes," in compliance with a request of the Senate for the return thereof.

The message also announced that pursuant to Public law 106-170, the

Chair, on behalf of the Democratic Leader, after consultation with the ranking member of the Senate Committee on Finance, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: Andrew J. Imparato, of Maryland.

The message also announced that pursuant to section 128, of Public Law 108-132, the Chair, on behalf of the majority leader, appoints the following individual to the Commission on Review of Overseas Military Facility Structure of the United States—

Admiral Anthony A. Less of Virginia.

WELCOMING DR. GARY PHILLIP ZOLA, EXECUTIVE DIRECTOR, AMERICAN JEWISH ARCHIVES, CINCINNATI, OHIO

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

Mr. PORTMAN. Mr. Speaker, I rise today to welcome a distinguished constituent of mine, Dr. Gary Phillip Zola, who we just heard from, who was the guest chaplain of the House today. Dr. Zola is the executive director of the Jacob Rader Marcus Center of the Jewish Archives in Cincinnati, which is the world's largest archival resource which documents the history of North American Jewry. Dr. Zola also serves as an associate professor at Hebrew Union College-Jewish Institute of Religion in Cincinnati.

Under Dr. Zola's leadership, the American Jewish Archives has initiated an impressive array of innovative projects that have captured the attention of both the Jewish and general communities in our country. Currently, Dr. Zola is serving as Chair of the Commission for Commemorating the 350th Anniversary of American Jewish History, which has been organized to help our Nation mark the 350th anniversary of Jewish communal life in North America. This commission represents a historical collaboration of the Library of Congress, the National Archives, the American Jewish History Society, and the Jacob Rader Marcus Center of the American Jewish Archives. The exhibit, by the way, is currently open at the Library of Congress right across the street.

Prior to assuming leadership of the Marcus Center, Dr. Zola served for more than 15 years as the National Dean of Admissions, Student Affairs and Alumni Relations for Hebrew Union College, a true treasure in greater Cincinnati.

Dr. Zola and his wife, Stefi, live in Blue Ash, Ohio, with their four children, Mandi, Jory, Jeremy, and Samantha.

I thank him so much for taking the time to come join us this afternoon and to deliver a very thoughtful prayer and thoughtful moment for us here in the House of Representatives.

OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

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

Mr. PALLONE. Mr. Speaker, positioned at the base of Capitol Hill, the National Museum of the American Indian rises up out of the ground with its curved limestone walls to celebrate the lives and achievements of our country's first citizens. This museum is a unique addition to our National Mall, in so much as it displays a living history of a vibrant people who exists among us today.

Native Americans are not an extinct people to be catalogued. Theirs is not a culture that can be relegated to the confines of a glass display. Accordingly, the new National Museum of the American Indian does not exhibit archaeological artifacts to be surveyed by passersby, but rather offer visitors a glimpse into a lively and vibrant culture that lives on through the customs and traditions practiced by generations of native peoples.

Mr. Speaker, I would like to welcome the thousands of Native Americans that have come to Washington today to celebrate the opening of the National Museum of the American Indian, and I ask my colleagues to join in the celebration this week and take time to reflect upon the rich culture of Native Americans.

MEDIA BIAS

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

Mr. SMITH of Texas. Mr. Speaker, between now and the election, I am announcing the weekly award for the most biased media story.

The CBS broadcast on President Bush's National Guard service has collapsed. CBS and Dan Rather issued an apology, but still tried to justify their actions.

However, there is no excuse for why this broadcast made its way into the homes of millions of Americans. There is no excuse for not trying to obtain the original documents. There is no excuse for not checking the credibility of the person making the accusation who has a history of attacking President Bush. There is no excuse for being in a rush to smear President Bush. There is no excuse for contacting the Kerry campaign before airing the broadcast, and there is no excuse for this serious breach of journalistic ethics.

Mr. Speaker, this week's media bias award has no competition. It goes to CBS News.

OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

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

Mr. KILDEE. Mr. Speaker, today is a very special day for our country because we celebrate the opening of the Smithsonian's National Museum of the American Indian.

I urge all Americans to visit the museum because it will take you through a personal journey to the different experiences of native peoples of the Americas by exposing you to their histories, their art, and their cultures.

Included in its vast collection, the museum shares the stories of the 12 tribes in my own State of Michigan whose historical roots lie with the Chippewa, Ottawa, and Potawatomi Nations.

As a child, I learned of the injustices perpetrated against the Indian people of Michigan; and when I was first elected to public office in 1964, I vowed to work for the human dignity of the Native American people.

That is why I, along with so many of my colleagues, fight so hard today to protect the sovereign rights of our country's first Americans.

Mr. Speaker, I can think of no better physical interactive monument that pays tribute to the past, present, and future of the American Indian than the National Museum of the American Indian.

RIGHTFUL PLACE OF HONOR OF THE FIRST AMERICANS IS REALIZED

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

Mr. HAYWORTH. Mr. Speaker, in the nearly 10 years that I have been honored to serve in the House, I have welcomed many constituents from Arizona to our Nation's capital, but one visit stands out in particular. It was in my first term. The gentleman visiting me was a Vietnam veteran. He was a White Mountain Apache, and he came to my office late in the day and he said, Congressman, I have seen all the monuments, I have seen so many statues, but where is the Indian?

It was not a rhetorical question; but now, for that constituent, and Mr. Speaker, for all Americans, the rightful place of honor of the first Americans is realized. As my colleague from Michigan mentioned earlier, today we celebrate on our National Mall the opening of the National Museum of the American Indian.

Mr. Speaker, I was honored when I first came to this House that nearly one out of every four of my constituents was Native American, and I think the challenge we can confront is that, though we may divide between political parties, there are really only two types of people who serve in the Congress of the United States, those who represent what we now call Indian Country and those who represent what was once Indian Country.

CELEBRATING THE OPENING OF
THE NATIONAL MUSEUM OF THE
AMERICAN INDIAN

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

Mr. BACA. Mr. Speaker, this week marks a monumental event in our national history. We celebrate the opening of the National Museum of the American Indian. We celebrate the Native American culture, tradition, and rich heritage that they have contributed to this great Nation.

This is a great tribute to the first Americans. We must not stop here. We must do more. We must do more to ensure that we honor our government's trust responsibility and protect tribal sovereignty.

I have stood by Native Americans and fought for their sovereignty since I was first elected to the assembly in California.

We must do more to provide tribes with resources to fulfill their basic needs. Tribes receive only about one-third of the money they need for vital programs. This is unacceptable.

We must do more to end the health disparities for Native Americans

We must do more to protect Native American lands.

Government entities must work together to meet the needs of Native Americans, making a brighter future for all of our people.

Native Americans must be treated with the respect they deserve.

That is why I have introduced H. Res. 167 to create a federally recognized holiday for Native Americans and instruct schools to teach about Native Americans, the role they have in our American history.

Let us remember our Native Americans who have made a great contribution to this Nation and this country.

□ 1415

FEDERAL LAW ENFORCEMENT
TRAINING CENTER TRAINING
FLIGHT DECK OFFICERS IN THE
USE OF FIREARMS

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

Mr. PEARCE. Mr. Speaker, this past weekend, I traveled with the Chairman of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure to my district, to Artesia, New Mexico, where the Federal Law Enforcement Training Center is engaged in training Federal flight deck officers for carrying firearms on aircraft.

Mr. Speaker, that is a policy that this House passed and that the President signed and has now implemented, and I can say that our traveling public is much safer because of the professional training that is being received by people who are flying our aircraft.

They are screened psychologically, they are screened in many other ways, so that after they come out of that facility, they come out able to defend the safety of the people on their aircraft at all cost, even up to and including the use of firearms.

Mr. Speaker, the terrorists should be aware of that. We have trained thousands and will continue training thousands more in my district. I would like to commend the people at the Federal Law Enforcement Training Center in Artesia, New Mexico.

NATIONAL MUSEUM OF THE
AMERICAN INDIAN

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

Mr. STUPAK. Mr. Speaker, today's grand opening of the Smithsonian National Museum of the American Indian is an excellent opportunity for this Congress and the public to develop a deeper understanding of issues that currently affect Native Americans, and also to celebrate their rich history and culture.

I am proud to be here today to commemorate the history of Native Americans nationally, and in my district of Northern Wisconsin, which is home to six Native American tribes: The Bay Mills Chippewa Indian Community, Hannahville Potawatomi Indian Community, Keweenaw Bay Indian Community, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Little Grand Traverse Bay Band of Odawa Indians, and the Sault Ste. Marie Tribe of Chippewa Indians.

The Smithsonian's National Museum of the American Indian is a great way of preserving their vibrant history and culture to our Nation. This beautiful long-awaited museum, located on the National Mall, will honor the culture of Native Americans who have contributed so much to this Nation and the world.

The museum, which is set against a backdrop of the United States Capitol building, symbolizes a deeper understanding and reconciliation between America's first citizens and those who have come to make these shores their home. This museum represents a spirit of the Native American tribes across this great Nation. I join them in celebrating the museum's grand opening.

Mr. Speaker, let us all work together to educate ourselves as to the issues affecting Native Americans in this Nation.

COMMEMORATING OPENING OF
AMERICAN INDIAN MUSEUM IN
WASHINGTON, D.C.

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

Mr. GRIJALVA. Mr. Speaker, I rise today on behalf of the native people of

my district and of Arizona to commemorate the opening of the American Indian Museum today in Washington, D.C. This is an historic moment when, at long last, the indigenous people of this continent have a place to call their own on our National Mall and in our national consciousness.

The museum is not a place that will display relics of the past but a living monument to the multitudes of cultures, arts, and languages that exist in the Americas. This museum will be a living legacy to those who have come before and a gift to those who will be born in the future.

This morning I had the honor of seeing the procession of Native American people on our National Mall. Thousands of people from every corner of the continent filled the Mall. They came to make a ceremonial and symbolic journey representing the millions of native people who live and thrive on this continent.

So let us honor our first Americans and let us remember this day as a day where we continue to working and looking forward to extending the support and the respect that the first Americans deserve.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. BOOZMAN) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 20, 2004 at 2:15 p.m. and said to contain a message from the President whereby he notifies the Congress he has terminated the national emergency with respect to Libya by an Executive Order.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

TERMINATION OF EMERGENCY DE-
CLARED IN EXECUTIVE ORDER
12543 WITH RESPECT TO LIBYA—
MESSAGE FROM THE PRESIDENT
OF THE UNITED STATES (H. DOC.
NO. 108-216)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b)

(IEEPA), I hereby report that I have issued an Executive Order (the "order") that terminates the national emergency declared in Executive Order 12543 of January 7, 1986, and revokes that Executive Order, Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and Executive Order 12533 of November 15, 1985. I have determined that the situation that gave rise to this national emergency has been significantly altered by Libya's commitments and actions to eliminate its weapons of mass destruction programs and its Missile Technology Control Regime (MTCR)-class missiles, and by other developments.

Executive Order 12543 of January 7, 1986, imposed sanctions on Libya in response to policies and actions of the Government of Libya that constituted an unusual and extraordinary threat to the national security and foreign policy of the United States. Those sanctions were modified in Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and supplemented Executive Order 12538 of November 15, 1985.

Based on Libya's recent commitments and actions to implement its December 19, 2003, commitment to eliminate its weapons of mass destruction programs and its MTCR-class missiles, and other developments, I have determined that the situation that gave rise to the national emergency declared in Executive Order 12543 has been significantly altered. My order, therefore, terminates that national emergency with respect to Libya and revokes Executive Orders 12543, 12544, and 12801, and lifts the trade, commercial, and travel sanctions imposed against Libya based on that national emergency. The order also revokes Executive Order 12538, which blocked the import of petroleum products refined in Libya into the United States.

While the order formally lifts sanctions under the national emergency with respect to Libya, it will not lift a wide variety of other sanctions imposed on Libya due to its designation as a state sponsor of terrorism under section 620A of the Foreign Assistance Act (restriction on foreign assistance), section 40 of the Arms Export Control Act (restriction on arms exports), and section 6(j) of the Export Administration Act of 1979 (restriction on exports of certain items on the Commodity Control List), as well as other statutory restrictions applicable to Libya.

I have enclosed a copy of the order, which is effective at 12:01 a.m. eastern daylight time on September 21, 2004.

GEORGE W. BUSH.

THE WHITE HOUSE, September 20, 2004.

APPOINTMENT AS MEMBER TO HOUSE LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), the order of the House of De-

ember 8, 2003, and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following member on the part of the House to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon:

Mr. J. Richard Fredericks, San Francisco, California.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

LLAGAS RECLAMATION GROUND-WATER REMEDIATION INITIATIVE

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4459) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes.

The Clerk read as follows:

H.R. 4459

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Llagas Reclamation Groundwater Remediation Initiative".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) GROUNDWATER REMEDIATION.—The term "groundwater remediation" means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

(2) LOCAL WATER AUTHORITY.—The term "local water authority" means the Santa Clara Valley Water District.

(3) REMEDIATION FUND.—The term "Remediation Fund" means the California Basins Groundwater Remediation Fund established pursuant to section 3(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CALIFORNIA BASINS REMEDIATION.

(a) CALIFORNIA BASINS REMEDIATION.—

(1) ESTABLISHMENT OF REMEDIATION FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the California Basins Groundwater Remediation Fund.

(2) ADMINISTRATION OF REMEDIATION FUND.—The Remediation Fund shall be administered by the Secretary of the Interior, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) PURPOSES OF REMEDIATION FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Remediation Fund,

including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of the Llagas groundwater subbasin. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Remediation Fund \$25,000,000. Such funds shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4459, the bill under consideration.

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

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. POMBO), the distinguished, wise and principled chairman of the Committee on Resources.

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

Mr. Speaker, in California's Eleventh District, the City of Morgan Hill and surrounding communities, face a serious problem due to groundwater contamination with perchlorate. Hundreds of private and city-owned wells have been closed, and many residents are forced to rely on bottled water.

To help remedy this situation, I introduce H.R. 4459, the Llagas Reclamation Groundwater Remediation Initiative. This bill will provide \$25 million in Federal funding to assist the Santa Clara Valley Water District's efforts to identify the scope of the contamination and begin a comprehensive, long-term program to once again provide high-quality drinking water to the area's residents. This funding mechanism is based on a practical working model currently underway in the San Gabriel Basin in Southern California.

Everyone agrees on the need for safe drinking water for our communities. This bill reflects this consensus and puts words into action. It is my hope that this bill will act as a successful model for other areas of the country as well.

Mr. Speaker, I urge my colleagues to support this important bill.

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

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

Mrs. CHRISTENSEN. Mr. Speaker, before I speak to H.R. 4459, I just want to also take this opportunity to recognize the opening of the Smithsonian National Museum of the American Indian which will honor, memorialize, and teach the history and culture of the first people of this country and to welcome their representatives here to the Nation's Capitol.

Mr. Speaker, on H.R. 4459, many communities in California, and, in fact, throughout the Nation, are faced with the prospect of shutting down their drinking water supply wells because water has been contaminated with perchlorate or other chemicals. It is critically important we provide assistance to these communities so they can clean up their drinking water supplies.

H.R. 4459 will specifically provide assistance to communities in the Santa Clara Valley area of California. The Committee on Resources has also approved similar legislation, H.R. 4606, for Southern California, introduced by our colleague on the Committee on Resources, the gentleman from California (Mr. BACA). I support both bills and I

appreciate the support and leadership demonstrated by the gentleman from California (Mr. POMBO) on this important problem.

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

Mr. HONDA. Mr. Speaker, I commend Chairman POMBO for introducing the Llagas Reclamation Groundwater Remediation Initiative.

On January 16, 2003, residents of San Martin, Morgan Hill, and Gilroy in south Santa Clara County were shocked to learn that perchlorate had been detected in more than 800 area wells. The approximately 90,000 residents of the Llagas Groundwater Subbasin rely solely on groundwater for their drinking water supply, but the perchlorate concentration in more than 200 wells exceeds the California Public Health Goal of 6 micrograms per liter.

From 1956 to 1996, the Olin Corporation owned and, along with Standard Fusee, operated a flare manufacturing facility on Tennant Avenue in Morgan Hill. During that time, waste water containing perchlorate was discharged to evaporation ponds on the site, which allowed perchlorate to enter the subsurface and contaminate groundwater. The perchlorate was first detected in a public water supply well across the street from the Olin facility in Spring 2002. Subsequent groundwater testing by Olin and the Santa Clara Valley Water District revealed a 10.5 mile long perchlorate plume contaminating the groundwater in the area.

As a result, bottled water is being provided to approximately 800 households, and thousands of other residents are receiving treated groundwater from the city of Morgan Hill, the West San Martin Water Works, or San Martin County Water District. The level of community interest in the situation and participation in efforts to solve it, has been unprecedented. The Santa Clara Valley Water District has held two public meetings to respond to community concerns, and approximately 800 people attended the first meeting, with 450 attending the second meeting. Water District staff continues to receive dozens of inquiries from the public every week.

The Water District has spent more than \$2,000,000 addressing the perchlorate issue to date. In addition, the City of Morgan Hill has incurred costs for wellhead treatment and the city of Gilroy has incurred costs for contingency planning. The county of Santa Clara has incurred costs related to analyzing health data and communicating health risks to the community. Residents in the affected area have devoted their own time and resources toward finding solutions. The entire community has been affected and is working together to find solutions, and the Federal Government should help in any way it can.

While much work has been done on this contamination case, significant unknowns remain and many of the necessary remediation efforts, including containment of the 10.5 mile long perchlorate plume, have not yet been started. Residents still wonder when the contamination will reach their wells, whether it is safe to eat produce from their gardens or the store, and whether health problems of people they know are related to the perchlorate contamination. The community has the right to have its groundwater restored to the condition it was in before it was polluted. That cleanup

should begin now, before the plume affects any more areas.

H.R. 4459 establishes a program that can address the community's perchlorate needs and interests. The \$25 million specified in the bill provides a means of implementing overdue solutions for the community. The funding in the bill provides a means for local agencies to implement timely, necessary solutions to protect the community, for which they can be reimbursed by the responsible party at a later date. It is not meant to excuse responsible parties from their duties to remediate contamination.

In the past, Chairman POMBO, Representative LOFGREN, and I have been fortunate to secure appropriations for perchlorate groundwater remediation and cleanup in this area where our Congressional districts come together, but the implementing regulations have prevented the use of this funding to move many projects of interest to the community forward. The broad parameters of H.R. 4459, which authorizes the Secretary of the Interior to participate in the funding and implementation of a balanced, long-term remediation program for California, will provide for solutions the community is asking for.

Once again, I thank chairman POMBO for his hard work on this bill and for bringing it to the House floor quickly. I look forward to continuing to work with him in the future to solve the perchlorate problem in south Santa Clara County.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 4459.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CASTLE NUGENT FARMS, ST. CROIX, VIRGIN ISLANDS, NATIONAL PARK FEASIBILITY STUDY

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2663) to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms, located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

The Clerk read as follows:

H.R. 2663

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

SECTION 1. NATIONAL PARK SERVICE STUDY REGARDING CASTLE NUGENT FARMS.

(a) FINDINGS.—Congress finds the following:

(1) Castle Nugent Farms, located on the southeastern shore of St. Croix, U.S. Virgin Islands, is the largest parcel of privately-held land in the Virgin Islands and has been an operating cattle ranch for 50 years.

(2) This land has the largest and healthiest fringing coral reef anywhere in the Virgin Islands.

(3) It consists of Caribbean dry forest and pasturelands with considerable cultural resources including both pre-Columbian and post-European settlement.

(4) Castle Nugent Farms contains a large historic 17th century Danish estate house that sits on over 4 miles of pristine Caribbean oceanfront property.

(5) In addition to being an area for turtle nesting and night heron nesting, it is the home for the Senepol cattle breed, a unique breed of cattle that was developed on St. Croix in the early 1900's to adapt to the island's climate.

(b) STUDY.—The Secretary of the Interior shall carry out a study regarding the suitability and feasibility of designating Castle Nugent Farms as a unit of the National Park System.

(c) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct and completion of the study required by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2663, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2663, introduced by my colleague on the Committee on Resources, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), would authorize the Secretary of the Interior to study the suitability and feasibility of designating the Castle Nugent Farms, located on St. Croix, U.S. Virgin Islands, as a unit of the National Park System.

I understand that the owners of the Farm, the largest parcel of privately-held land in the U.S. Virgin Islands, are aware of this legislation and support the National Park Study.

Mr. Speaker, H.R. 2663 is supported by the majority and minority of the Committee on Resources and the administration. I urge adoption of the bill.

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

□ 1430

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

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

Mrs. CHRISTENSEN. Mr. Speaker, I am very pleased the House is considering my bill, H.R. 2663, to provide for

a study to determine the feasibility and suitability of designating Castle Nugent Farms on my home island of St. Croix in the U.S. Virgin Islands as a unit of the National Park System.

Castle Nugent Farms is a unique 1,350-acre property located on the southeastern shore of St. Croix. It contains natural and cultural resources which could provide an unparalleled insight into the plantation period of the Virgin Islands.

Castle Nugent Farms is presently operated as a cattle ranch by owners who are very interested in preserving and interpreting the natural and cultural resources of the area. I want to take this opportunity to commend Caroline Gasperi and her family for the stewardship of this land for more than 50 years and for her enthusiasm and dedication to this cause.

The owners are justifiably proud of their ranch which contains more than 4 miles of pristine oceanfront with a large and healthy fringing coral reef. The interior of the property consists of Caribbean dry forest and pasture lands with cultural resources from both pre-Columbian and post-European settlement. A large Danish estate house, dating to the 1730s, sits on the property. That house is listed on the National Register of Historic Places.

At various points in its history, Castle Nugent Farms has been operated as a cotton plantation and a sugarcane plantation. Its current use as a cattle ranch involves raising unique Senepol cattle, a breed which is well-suited to the climate and vegetation of the area.

H.R. 2663 is a noncontroversial bill. The National Park Service has no objections to the legislation, and the property's owners not only support a park study of the site but are enthusiastic about the opportunity to preserve the natural and cultural resources of the farm.

Mr. Speaker, it is my hope that the park study will provide the blueprint by which we can preserve and interpret this unique piece of island history and resources for the benefit of present and future generations.

I want to thank the gentleman from California (Mr. POMBO) for taking the time to personally communicate with my constituent, Mrs. Gasperi, and for his strong support and for shepherding this bill through the committee. And I thank my colleagues on the Committee on Resources for their favorable consideration of H.R. 2663 and express my wholehearted support for the adoption of this bill by the House this afternoon.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2663.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RIGHT-TO-RIDE LIVESTOCK ON FEDERAL LANDS ACT OF 2004

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2966) to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2966

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Right-to-Ride Livestock on Federal Lands Act of 2004".

SEC. 2. USE AND ACCESS OF PACK AND SADDLE ANIMALS ON PUBLIC LANDS.

(a) NATIONAL PARK SYSTEM LANDS.—Section 12 of Public Law 91-383 (16 U.S.C. 1a-7) is amended by adding at the end the following new subsection:

“(c) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

“(1) GENERAL RULE.—The Secretary of the Interior shall provide for the management of National Park System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

“(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

“(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

“(C) to create a preference for one recreational use for any unit of the National Park System, without consideration of the stated purpose of the unit.”.

(b) BUREAU OF LAND MANAGEMENT LANDS.—Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) is amended by adding at the end the following new subsection:

“(e) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

“(1) GENERAL RULE.—The Secretary shall provide for the management of public lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated

areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

“(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

“(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

“(C) to create a preference for one recreational use for any area of the public lands, without consideration of the stated purpose of the area.”.

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraph:

“(5)(A) The Secretary shall provide for the management of System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) Nothing in subparagraph (A) shall be construed—

“(i) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

“(ii) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

“(iii) to create a preference for one recreational use for any unit of the System, without consideration of the stated purpose of the unit.”.

(d) NATIONAL FOREST SYSTEM LANDS.—Section 15 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1613) is amended—

(1) by inserting “(a)” before “REGULATIONS”; and

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

“(b) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

“(1) GENERAL RULE.—The Secretary shall provide for the management of National Forest System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only

after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

“(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

“(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

“(C) to create a preference for one recreational use for any unit of the National Forest System, without consideration of the stated purpose of the unit.”.

(e) ISSUANCE OF RULES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall issue final rules to define the meaning of a historical tradition of use of pack and saddle stock animals on Federal lands for purposes of the amendments made by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 2966, introduced by the gentleman from California (Mr. RADANOVICH), will preserve the use and access of pack and saddle stock animals on our public lands where there is a historical tradition of such use. Mr. Speaker, the claim may be made by some that the bill singles out pack and saddle use and affords it greater consideration than other forms of recreation or commercial use.

I would argue that pack and saddle use has played a far greater historic role on our public lands, particularly in our Western States, than simply recreation. What may be perceived by some today as recreation was a vital part of everyday living throughout our Nation's history. In addition, this bill in no way diminishes the secretary's ability to implement emergency closures or permanent reductions in the use and access of these pack and stock animals after complying with the full public review process required under the National Environmental Policy Act.

Mr. Speaker, H.R. 2966, as amended, codifies our commitment to access and to preserving one of the most fundamental and truly historic ways to experience our public lands. The bill is supported by the majority and minority of the committee. I urge its adoption.

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

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

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

Mrs. CHRISTENSEN. Mr. Speaker, when H.R. 2966 was considered by the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), the ranking member, offered a very humorous assessment of the legislation. We all enjoyed his statement's abundant use of horse terms. However, behind his humorous words, the gentleman from West Virginia (Mr. RAHALL) was pointing out there are serious problems with H.R. 2966, and I share the concern raised by the gentleman from West Virginia (Mr. RAHALL), the Bush administration and others that the bill is unnecessary and unwise.

It is not a question of whether there should be pack and saddle animal use on public lands. Many people partake of such use, and there are many places where such use occurs on public lands. No, the real question is whether we should single out and legislatively enshrine a narrow specific recreational use into the missions of the various Federal land management agencies.

No other recreational use, whether historic or not, is enshrined in the Organic Acts of the various land management agencies. H.R. 2966 would bestow on a select group a right not enjoyed by hunters and fishermen, to name just a few. To single out pack and saddle animal use for special consideration upsets the balance that is sometimes necessary between competing uses and resource management.

The underlying problem with the bill is that it directs each land management agency to preserve and facilitate pack and saddle animal use. As the Bush administration testified, conflicts are likely to arise with such a narrow and specific mandate. Further, such a mandate creates a confusing contradiction for land managers when such use is incompatible with the respective land management agency's core mission.

Mr. Speaker, I do not think there is a single person in this room who believes we should ban pack and saddle animal use of public lands. With or without this legislation, it has been and will remain a recreational option on public lands. Our problem is not with that use but with the singling out of that use for special consideration in the law. When and where such use occurs are decisions best made in resource management plans, not in generic statute.

Mr. WAMP. Mr. Speaker, I am a very proud sponsor of H.R. 2966, the Right to Ride Livestock on Federal Lands Act of 2004.

Pack and saddle stock animals were a critical element in many early Americans' livelihood. Today's bill directs the Secretary to provide for the management of public lands to

preserve and facilitate the continued use and access of horse and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas where there is a historical tradition of such use.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall issue final rules to define the meaning of a "historical tradition of use" by pack and saddle stock animals on federal lands.

Defining managed recreation of this historical practice within our national forests is critical in recognizing the cultural contributions and precedent of pack and saddle stock in our public lands above simple recreational use.

I believe that horse and saddle stock hold a unique place in our heritage. We must pass this bill to ensure its historical preservation and continued enjoyment as a national pastime.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2966, as amended.

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

A motion to reconsider was laid on the table.

RIVERSIDE-CORONA FEEDER AUTHORIZATION ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3334) to authorize the Secretary of the Interior to participate in the design and construction of the Riverside-Corona Feeder in cooperation with the Western Municipal Water District of Riverside, California, as amended.

The Clerk read as follows:

H.R. 3334

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

SECTION 1. PLANNING, DESIGN, AND CONSTRUCTION OF THE RIVERSIDE-CORONA FEEDER.

(a) *IN GENERAL.*—The Secretary of the Interior, in cooperation with the Western Municipal Water District, may participate in a project to plan, design, and construct a water supply project, the Riverside-Corona Feeder, which includes 20 groundwater wells and 28 miles of pipeline in San Bernardino and Riverside Counties, California.

(b) *AGREEMENTS AND REGULATIONS.*—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

(c) *FEDERAL COST SHARE.*—

(1) *PLANNING, DESIGN, CONSTRUCTION.*—The Federal share of the cost to plan, design, and construct the project described in subsection (a) shall be the lesser of 35 percent of the total cost of the project or \$50,000,000.

(2) *STUDIES.*—The Federal share of the cost to complete the necessary planning study associated with the project described in subsection (a) shall not exceed 50 percent of the total study cost.

(d) *IN-KIND SERVICES.*—In-kind services performed by the Western Municipal Water District shall be considered a part of the local cost share to complete the project described in subsection (a).

(e) *LIMITATION.*—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).

SEC. 2. PROJECT AUTHORIZATIONS.

(a) *IN GENERAL.*—The Reclamation Water and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1637. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

"(a) *AUTHORIZATION.*—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed described in the report submitted under section 1606.

"(b) *COST SHARING.*—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) *LIMITATION.*—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$20,000,000.

"SEC. 1638. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

"(a) *AUTHORIZATION.*—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

"(b) *COST SHARE.*—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) *LIMITATION.*—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section."

(b) *CONFORMING AMENDMENTS.*—The table of sections in section 2 of Public Law 102-575 is amended by inserting after the item relating to section 1636 the following:

"1637. Yucaipa Valley Regional Water Supply Renewal Project.

"1638. City of Corona Water Utility, California, water recycling and reuse project."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3334 sponsored by the gentleman from California (Mr. CALVERT) is another step towards drought-proofing southern California. It also reduces the region's dependence on imported water supplies.

This important legislation authorizes the Secretary of the Interior to help local planners plan and build the Riverside-Corona Feeder project, which would capture and store water in the wet years to increase firm water supplies through a series of groundwater wells and pumps. This bill would also authorize Federal assistance to the city of Corona, California, for its water recycling and reuse project.

The bill also authorizes the Department of the Interior to help build the Yucaipa Valley Water Supply Renewal Project. Located in the district of the distinguished gentleman from California (Mr. LEWIS), this project will include an advanced water filtration system and a brine disposal pipeline to remove salinity, contaminants other organic compounds from the water supply.

All of these projects will help develop much-needed domestic water supplies and reduce over-dependence on imported water while providing limited Federal assistance. I urge my colleagues to support this important measure.

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

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

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

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3334 would authorize the Secretary of the Interior to design and construct a water supply project, known as the Riverside-Corona Feeder, in Riverside, California.

This legislation also would authorize the Secretary of the Interior to participate in a water reuse project for the city of Corona. Finally, the bill would authorize the secretary to participate in the Yucaipa Valley Regional Water Supply Renewal Project in California.

My colleague on the Republican side has explained the legislation. We have no objection.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3334, as amended.

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

A motion to reconsider was laid on the table.

WESTERN RESERVE HERITAGE
AREAS STUDY ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3257) to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area, as amended.

The Clerk read as follows:

H.R. 3257

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Reserve Heritage Areas Study Act".

SEC. 2. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) **FINDINGS.**—*The Congress finds the following:*

(1) *The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political and industrial development of the United States.*

(2) *The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.*

(3) *The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.*

(4) *The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.*

(5) *The heritage of the Western Reserve remains transixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.*

(6) *The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.*

(7) *There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.*

(8) *The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.*

(b) **STUDY.**—

(1) **IN GENERAL.**—*The Secretary shall, in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.*

(2) **CONTENTS.**—*The study shall include analysis and documentation regarding whether the Study Area—*

(A) *has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes non-contiguous resources and active communities;*

(B) *reflects traditions, customs, beliefs, and folklore that are a valuable part of the national story;*

(C) *provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;*

(D) *provides outstanding recreational and educational opportunities;*

(E) *contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;*

(F) *includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;*

(G) *has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;*

(H) *has a conceptual boundary map that is supported by the public; and*

(I) *has potential or actual impact on private property located within or abutting the Study Area.*

(c) **BOUNDARIES OF THE STUDY AREA.**—*The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3257 sponsored by the gentleman from Ohio (Mr. RYAN) and amended by the Committee on Resources would authorize the Secretary of the Interior to conduct a study to

determine the suitability and feasibility of establishing the Western Reserve Heritage Area. The proposed study area under this bill would encompass 14 modern-day counties in Ohio which throughout history have made a unique contribution to the cultural, political and industrial development of the United States.

The Western Reserve is every bit as distinctive as the land settled by the people of Connecticut after the Revolutionary War and holds a unique mark as the original wilderness in the West that many settlers migrated to in order to begin life outside the original 13 colonies.

Mr. Speaker, H.R. 3257, as amended, is supported by the majority and minority of the committee and by the administration. I urge adoption of this bill.

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

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

Mr. Speaker, our system of national heritage areas, created over the last two decades, has been enormously successful. These are grassroots projects that leverage limited Federal support to develop locally funded and managed conservation and preservation programs.

Areas rich in historic and scenic resources but which might not qualify for inclusion in the National Park System receive the funding they need through the National Heritage Area Program. H.R. 3257 will authorize a study to determine whether or not the area in Ohio once known as the Western Reserve would qualify as a National Heritage Area.

Mr. Speaker, the gentleman from Ohio (Mr. RYAN) is to be commended for his tireless efforts on behalf of the communities that would be included in this new area. The gentleman from Ohio (Mr. RYAN) is a freshman member of this body, but he is already demonstrating a willingness to go to bat for communities in need of the kind of Federal support the Heritage Area Program can provide. We look forward to working with him to create the Western Reserve Heritage Area should the study we are authorizing today support such a move.

The gentleman from West Virginia (Mr. RAHALL) and I congratulate the gentleman from Ohio (Mr. RYAN) on this important legislation, and I urge my colleagues to support H.R. 3257.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN).

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Mr. RYAN of Ohio. Mr. Speaker, I thank the gentlewoman for yielding me this time. And I would also like to take this opportunity to thank the gentleman from California (Chairman POMBO) for the opportunity to do this study.

This is a tremendous opportunity for our community. We have had a ton of

issues in Northern Ohio and in Northeast Ohio, and I would like to just thank the chairman for giving me an opportunity to help us try to redefine our community. I would also like to thank the gentleman from West Virginia (Mr. RAHALL), ranking member, who has been a tremendous help and support in guidance and his counsel over the past couple of years since I have been in Congress on a variety of issues, but this one in particular. I would also like to thank Jim Zoia on his staff for helping us with the day-to-day operations. I would also like to thank Jennifer Moore on my staff and my chief of staff, Mary Anne Walsh, for their help in making this happen.

The Western Reserve, as has been stated already, was the original West. There were many people from the American Revolution who were forced out of their houses and their homes over into the West, just west of Pennsylvania into Northern Ohio, and it was 14 original counties that are still there today; and there have been significant changes. But since 1792, this area has always represented a place that was indicative, I think, of the American spirit, and the people who were there were very industrious, and they came there with that spirit; and we have had enormous success.

The Western Reserve has been the leader and has showed great progress since 1792. It has been the foundation of the steel industry. It has been the rubber capital of the world. It had the first African American newspaper. It has the oldest labor newspaper. In the last 25 or 30 years or so, this area has had some great challenges. With the decimation, really, of the steel industry in the United States of America, this area took a great fall, and there have been enormous challenges throughout the whole manufacturing sector in these 14 counties, which I think makes this legislation that much more significant because we need to preserve what I believe to be the real history of these communities, a history of progress, a history of economic progress, a history of participation in the social justice aspects of our society.

And I think it is important for us through this heritage corridor to communicate to our children and to our grandchildren that they come from an area that once led the world in the economic and social arenas.

This is the area for the first electric street car, the first Warner Brothers film. The first Packard car was produced in this area; the baseball score card; and one of my favorites, the hot dog, was invented in the old Connecticut Western Reserve; also, the American trucking industry.

And we want our children to know that they come from a place that had three Presidents, President Garfield, President McKinley, President Hayes; three United States Supreme Court justices; Thomas Edison; John Brown the great abolitionist. And the success of our future depends on our under-

standing of the past. As the gentleman from West Virginia (Mr. RAHALL) said, this heritage corridor in many instances throughout this country provides the economic engine for rebirth of an area, and that is exactly what we need.

We are working on regionalization in Northeast Ohio, and we cannot just have economic regionalization. We need the cultural and historic preservations and have all the groups in our community working together, and this is the rallying point for our community.

So I want to thank, again, the chairman. I want to thank the gentleman from West Virginia (Mr. RAHALL) for helping us improve the quality of life in our community. I would like to thank the gentleman from New Mexico, as well, because I think if these kids and our grandkids know that they come from this stock of Presidents and inventors and entrepreneurs and scientists and many others who have contributed to the economic progress of our country and the social justice of our country that they will be inspired to continue this proud tradition.

Mr. RAHALL. Mr. Speaker, as the Ranking Democratic Member of the Resources Committee, it is a pleasure and privilege to have H.R. 3257, sponsored by our esteemed colleague from Ohio, TIM RYAN, be considered on the floor today.

The dramatic tapestry of our Nation's cultural heritage is one which many of us are seeking to preserve for the benefit of not just current, but future generations, in the form of National Heritage Areas. We do this not just for educational or inspirational purposes, but also, because heritage areas are engines for economic development.

While the measure pending before us today is the logical first step, an authorization of a feasibility study for a proposed Western Reserve Heritage Area, I am confident that once completed, it will find that this particular region of Ohio deserves national recognition for the special cultural and historic resources values it contains. And when that day arrives, it will be a tribute to the untiring dedication and hard work of Representative TIM RYAN.

Indeed, although a freshman Member of this body, TIM RYAN has already garnered a reputation as a fighter for the people of the 17th District of Ohio. The bill we are considering today is reflective of their good judgment in sending a person such as TIM RYAN to Congress to represent them.

I urge my colleagues to support H.R. 3257.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Ohio for his comments, and I reserve the balance of my time.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3257, as amended.

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

A motion to reconsider was laid on the table.

RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT OF 2003

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 2, line 12, strike out "104" and insert "401".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

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

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

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Chairman POMBO).

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

Mr. Speaker, H.R. 1658 would amend the Railroad Right-of-Way Conveyance Validation Act to legalize, validate, and confirm as far as any interest of the United States is concerned two additional conveyances in San Joaquin County, California. These conveyances involve lands forming part of a right-of-way granted by the U.S. to the Central Pacific Railroad Company under previous law. This bill would declare the conveyances to be between the railroad company and the Bank of America recorded in September, 1945, and between the railroad company, the Southern Pacific Transportation, and the Tri-Valley Packing Association recorded in November of 1957. In short, this bill would lift the cloud over the title to these lands.

This bill passed the House of Representatives by unanimous consent on November 18, 2003. It has been returned to the House for further consideration

due to a technical change made by the other body. I support this change, as do the majority and minority of the Committee on Resources and the administration.

Mr. Speaker, I understand the Senate amendment has a technical error. It references line 17, but it should be line 15. We are very clear that we are correcting a page reference to a deed book in the underlying bill. Rather than send the House bill back to the other body, we will pass it today and make any technical changes later in the session the Senate enrolling Clerk determines necessary.

I urge my colleagues to support this legislation.

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

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

Mrs. CHRISTENSEN. Mr. Speaker, this is a technical matter that will clear title to property owned by several of the gentleman from California's (Chairman POMBO) constituents. The cloud on their title arises out of Federal rights-of-way granted more than a century ago. It is unfortunate that Federal legislation is required to resolve this issue, but there is no other solution.

I join the gentleman from West Virginia (Mr. RAHALL), ranking Democrat, in commending the gentleman from California (Chairman POMBO) for his work on this bill. While this is a simply technical matter, working to address the problems facing our districts one constituent at a time is the essence of our job as Representatives. We urge our colleagues to support the gentleman from California (Chairman POMBO) as he works on behalf of these land owners.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1658.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

INTELLECTUAL PROPERTY PROTECTION AND COURTS AMENDMENTS ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3632) to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3632

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intellectual Property Protection and Courts Amendments Act of 2004".

TITLE I—ANTI-COUNTERFEITING PROVISIONS

SEC. 101. SHORT TITLE.

This title may be cited as the "Anti-counterfeiting Amendments Act of 2004".

SEC. 102. PROHIBITION AGAINST TRAFFICKING IN COUNTERFEIT COMPONENTS.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging";

(2) by striking subsection (a) and inserting the following:

"(a) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

"(1) a counterfeit label or illicit label affixed to, enclosing, or accompanying, or designed to be affixed to, enclose, or accompany—

"(A) a phonorecord;

"(B) a copy of a computer program;

"(C) a copy of a motion picture or other audiovisual work;

"(D) a copy of a literary work;

"(E) a copy of a pictorial, graphic, or sculptural work;

"(F) a work of visual art; or

"(G) documentation or packaging; or

"(2) counterfeit documentation or packaging,

shall be fined under this title or imprisoned for not more than 5 years, or both."

(3) in subsection (b)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3)—

(i) by striking "and 'audiovisual work' have" and inserting the following: "'audiovisual work', 'literary work', 'pictorial, graphic, or sculptural work', 'sound recording', 'work of visual art', and 'copyright owner' have"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) the term 'illicit label' means a genuine certificate, licensing document, registration card, or similar labeling component—

"(A) that is used by the copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, a copy of a literary work, a copy of a pictorial, graphic, or sculptural work, a work of visual art, or documentation or packaging is not counterfeit or infringing of any copyright; and

"(B) that is, without the authorization of the copyright owner—

"(i) distributed or intended for distribution not in connection with the copy, phonorecord, or work of visual art to which such labeling component was intended to be affixed by the respective copyright owner; or

"(ii) in connection with a genuine certificate or licensing document, knowingly falsified in order to designate a higher number of licensed users or copies than authorized by the copyright owner, unless that certificate or document is used by the copyright owner solely for the purpose of monitoring or tracking the copyright owner's distribution channel and not for the purpose of verifying that a copy or phonorecord is non-infringing;

"(5) the term 'documentation or packaging' means documentation or packaging, in physical form, for a phonorecord, copy of a computer program, copy of a motion picture or other audiovisual work, copy of a literary work, copy of a pictorial, graphic, or sculptural work, or work of visual art; and

"(6) the term 'counterfeit documentation or packaging' means documentation or packaging that appears to be genuine, but is not."

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

"(3) the counterfeit label or illicit label is affixed to, encloses, or accompanies, or is designed to be affixed to, enclose, or accompany—

"(A) a phonorecord of a copyrighted sound recording or copyrighted musical work;

"(B) a copy of a copyrighted computer program;

"(C) a copy of a copyrighted motion picture or other audiovisual work;

"(D) a copy of a literary work;

"(E) a copy of a pictorial, graphic, or sculptural work;

"(F) a work of visual art; or

"(G) copyrighted documentation or packaging; or"; and

(B) in paragraph (4), by striking "for a computer program"; and

(5) in subsection (d)—

(A) by inserting "or illicit labels" after "counterfeit labels" each place it appears; and

(B) by inserting before the period at the end the following: ", and of any equipment, device, or material used to manufacture, reproduce, or assemble the counterfeit labels or illicit labels".

(b) CIVIL REMEDIES.—Section 2318 of title 18, United States Code, is further amended by adding at the end the following:

"(f) CIVIL REMEDIES.—

"(1) IN GENERAL.—Any copyright owner who is injured, or is threatened with injury, by a violation of subsection (a) may bring a civil action in an appropriate United States district court.

"(2) DISCRETION OF COURT.—In any action brought under paragraph (1), the court—

"(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain a violation of subsection (a);

"(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of subsection (a); and

"(C) may award to the injured party—

"(i) reasonable attorney fees and costs; and

"(ii) (I) actual damages and any additional profits of the violator, as provided in paragraph (3); or

"(II) statutory damages, as provided in paragraph (4).

"(3) ACTUAL DAMAGES AND PROFITS.—

"(A) IN GENERAL.—The injured party is entitled to recover—

"(i) the actual damages suffered by the injured party as a result of a violation of subsection (a), as provided in subparagraph (B) of this paragraph; and

"(ii) any profits of the violator that are attributable to a violation of subsection (a) and are not taken into account in computing the actual damages.

"(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—

"(i) the value of the phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit

"(5) the term 'documentation or packaging' means documentation or packaging, in physical form, for a phonorecord, copy of a computer program, copy of a motion picture or other audiovisual work, copy of a literary work, copy of a pictorial, graphic, or sculptural work, or work of visual art; and

"(6) the term 'counterfeit documentation or packaging' means documentation or packaging that appears to be genuine, but is not."

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

"(3) the counterfeit label or illicit label is affixed to, encloses, or accompanies, or is designed to be affixed to, enclose, or accompany—

"(A) a phonorecord of a copyrighted sound recording or copyrighted musical work;

"(B) a copy of a copyrighted computer program;

"(C) a copy of a copyrighted motion picture or other audiovisual work;

"(D) a copy of a literary work;

"(E) a copy of a pictorial, graphic, or sculptural work;

"(F) a work of visual art; or

"(G) copyrighted documentation or packaging; or"; and

(B) in paragraph (4), by striking "for a computer program"; and

(5) in subsection (d)—

(A) by inserting "or illicit labels" after "counterfeit labels" each place it appears; and

(B) by inserting before the period at the end the following: ", and of any equipment, device, or material used to manufacture, reproduce, or assemble the counterfeit labels or illicit labels".

(b) CIVIL REMEDIES.—Section 2318 of title 18, United States Code, is further amended by adding at the end the following:

"(f) CIVIL REMEDIES.—

"(1) IN GENERAL.—Any copyright owner who is injured, or is threatened with injury, by a violation of subsection (a) may bring a civil action in an appropriate United States district court.

"(2) DISCRETION OF COURT.—In any action brought under paragraph (1), the court—

"(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain a violation of subsection (a);

"(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of subsection (a); and

"(C) may award to the injured party—

"(i) reasonable attorney fees and costs; and

"(ii) (I) actual damages and any additional profits of the violator, as provided in paragraph (3); or

"(II) statutory damages, as provided in paragraph (4).

"(3) ACTUAL DAMAGES AND PROFITS.—

"(A) IN GENERAL.—The injured party is entitled to recover—

"(i) the actual damages suffered by the injured party as a result of a violation of subsection (a), as provided in subparagraph (B) of this paragraph; and

"(ii) any profits of the violator that are attributable to a violation of subsection (a) and are not taken into account in computing the actual damages.

"(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—

"(i) the value of the phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit

labels, or counterfeit documentation or packaging, by

“(ii) the number of phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit labels, or counterfeit documentation or packaging.

“(C) DEFINITION.—For purposes of this paragraph, the ‘value’ of a phonorecord, copy, or work of visual art is—

“(i) in the case of a copyrighted sound recording or copyrighted musical work, the retail value of an authorized phonorecord of that sound recording or musical work;

“(ii) in the case of a copyrighted computer program, the retail value of an authorized copy of that computer program;

“(iii) in the case of a copyrighted motion picture or other audiovisual work, the retail value of an authorized copy of that motion picture or audiovisual work;

“(iv) in the case of a copyrighted literary work, the retail value of an authorized copy of that literary work;

“(v) in the case of a pictorial, graphic, or sculptural work, the retail value of an authorized copy of that work; and

“(vi) in the case of a work of visual art, the retail value of that work.

“(4) STATUTORY DAMAGES.—The injured party may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for each violation of subsection (a) in a sum of not less than \$2,500 or more than \$25,000, as the court considers appropriate.

“(5) SUBSEQUENT VIOLATION.—The court may increase an award of damages under this subsection by 3 times the amount that would otherwise be awarded, as the court considers appropriate, if the court finds that a person has subsequently violated subsection (a) within 3 years after a final judgment was entered against that person for a violation of that subsection.

“(6) LIMITATION ON ACTIONS.—A civil action may not be commenced under section unless it is commenced within 3 years after the date on which the claimant discovers the violation of subsection (a).”

(c) CONFORMING AMENDMENT.—The item relating to section 2318 in the table of sections for chapter 113 of title 18, United States Code, is amended to read as follows:

“2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging.”

SEC. 103. OTHER RIGHTS NOT AFFECTED.

(a) CHAPTERS 5 AND 12 OF TITLE 17; ELECTRONIC TRANSMISSIONS.—The amendments made by this title—

(1) shall not enlarge, diminish, or otherwise affect any liability or limitations on liability under sections 512, 1201 or 1202 of title 17, United States Code; and

(2) shall not be construed to apply—

(A) in any case, to the electronic transmission of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this title; and

(B) in the case of a civil action under section 2318(f) of title 18, United States Code, to the electronic transmission of a counterfeit label or counterfeit documentation or packaging defined in paragraph (1) or (6) of section 2318(b) of title 18, United States Code.

(b) FAIR USE.—The amendments made by this title shall not affect the fair use, under section 107 of title 17, United States Code, of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging de-

scribed in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this title.

TITLE II—FRAUDULENT ONLINE IDENTITY SANCTIONS

SEC. 201. SHORT TITLE.

This title may be cited as the “Fraudulent Online Identity Sanctions Act”.

SEC. 202. AMENDMENT TO TRADEMARK ACT OF 1946.

Section 35 of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the “Trademark Act of 1946”; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

“(e) In the case of a violation referred to in this section, it shall be a rebuttable presumption that the violation is willful for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation. Nothing in this subsection limits what may be considered a willful violation under this section.”

SEC. 203. AMENDMENT TO TITLE 17, UNITED STATES CODE.

Section 504(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

“(3) (A) In a case of infringement, it shall be a rebuttable presumption that the infringement was committed willfully for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the infringement.

“(B) Nothing in this paragraph limits what may be considered willful infringement under this subsection.

“(C) For purposes of this paragraph, the term ‘domain name’ has the meaning given that term in section 45 of the Act entitled ‘An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes’, approved July 5, 1946 (commonly referred to as the ‘Trademark Act of 1946’; 15 U.S.C. 1127).”

SEC. 204. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) SENTENCING ENHANCEMENT.—Section 3559 of title 18, United States Code, is amended by adding at the end the following:

“(f)(1) If a defendant who is convicted of a felony offense (other than offense of which an element is the false registration of a domain name) knowingly falsely registered a domain name and knowingly used that domain name in the course of that offense, the maximum imprisonment otherwise provided by law for that offense shall be doubled or increased by 7 years, whichever is less.

“(2) As used in this section—

“(A) the term ‘falsely registers’ means registers in a manner that prevents the effective identification of or contact with the person who registers; and

“(B) the term ‘domain name’ has the meaning given that term in section 45 of the Act entitled ‘An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of

certain international conventions, and for other purposes’ approved July 5, 1946 (commonly referred to as the ‘Trademark Act of 1946’; 15 U.S.C. 1127).”

(b) UNITED STATES SENTENCING COMMISSION.—

(1) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the sentencing guidelines and policy statements to ensure that the applicable guideline range for a defendant convicted of any felony offense carried out online that may be facilitated through the use of a domain name registered with materially false contact information is sufficiently stringent to deter commission of such acts.

(2) REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall provide sentencing enhancements for anyone convicted of any felony offense furthered through knowingly providing or knowingly causing to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation.

(3) DEFINITION.—For purposes of this subsection, the term “domain name” has the meaning given that term in section 45 of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the “Trademark Act of 1946”; 15 U.S.C. 1127).

SEC. 205. CONSTRUCTION.

(a) FREE SPEECH AND PRESS.—Nothing in this title shall enlarge or diminish any rights of free speech or of the press for activities related to the registration or use of domain names.

(b) DISCRETION OF COURTS IN DETERMINING RELIEF.—Nothing in this title shall restrict the discretion of a court in determining damages or other relief to be assessed against a person found liable for the infringement of intellectual property rights.

(c) DISCRETION OF COURTS IN DETERMINING TERMS OF IMPRISONMENT.—Nothing in this title shall be construed to limit the discretion of a court to determine the appropriate term of imprisonment for an offense under applicable law.

TITLE III—COURTS

SEC. 301. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO.

Section 85 of title 28, United States Code, is amended by inserting “Colorado Springs,” after “Boulder.”

SEC. 302. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by inserting “Plattsburgh,” after “Malone.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3632, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, this legislation addresses a growing problem facing our Nation's creative community. Efforts to ensure that consumers are able to know whether they are buying legitimate software, music, movies, or other forms of intellectual property are being subverted by those who counterfeit authentication labels and steal legitimate ones. These counterfeited and illicit labels are then attached to counterfeit products defrauding consumers into thinking they have purchased a legitimate copy of the product when they have not.

The committee has been made aware of numerous efforts by organized groups to counterfeit authentication labels and to traffic in illicit ones. The activity is highly profitable and less likely to lead to arrest than for dealing in drugs; and until this legislation is signed into law, subject to a loophole in the existing law that allows those who traffic in such labels to face no criminal penalties. The middleman who traffics in illicit and counterfeit labels can walk away from his crime with no penalties. The bill would close this loophole and ensure that everyone who undertakes a scheme to defraud consumers faces criminal penalties.

Because of the short time remaining in this session, H.R. 3632 also incorporates the text of three other non-controversial bills, H.R. 3754, H.R. 112, and H.R. 4646, in the manager's amendment. H.R. 3754 provides for additional penalties for those who use false domain name contact information to commit crimes. As Internet-based crimes continue to increase in number, updated laws are needed to stop this growth. H.R. 112 and H.R. 4646 provide for a new place of holding Federal district court in Colorado Springs, Colorado, and Plattsburgh, New York, respectively.

H.R. 112 is cosponsored by both Republican and Democratic members of the Colorado delegation. The 10th Circuit Court of Appeals, the Administrative Office of the U.S. Courts have stated they support enactment of the bill. H.R. 4646 is similarly supported by the U.S. Judicial Conference and the U.S. Attorney for the Northern District of New York.

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

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

Mr. Speaker, I rise in support of H.R. 3632, as amended, today by the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

As amended, H.R. 3632 is a combination of several bills reported by the Committee on the Judiciary after full

consideration. I believe this amalgam of bills is largely noncontroversial and thus ask my colleagues to join me in supporting its passage.

Title I is designed to deter counterfeiting of U.S. copyrighted works. Such counterfeiting is an enormous and growing problem. It costs U.S. software companies alone approximately \$11 billion a year and, as a result, costs the U.S. economy thousands of high-tech jobs in the software industry. The impact on other American copyright holders is equally devastating.

Recent events have underscored the scope of the counterfeiting problem as well as the need for title I of this bill. Just last week, a Los Angeles grand jury indicted 11 individuals for conspiring to distribute more than \$30 million of counterfeit software. The counterfeiting ring possessed 15,929 genuine stand-alone certificates of authenticity. Those known as COAs are authentication features, like holograms, used to distinguish genuine goods.

Because many COAs are difficult to convincingly reproduce, counterfeiters have become an eager and lucrative market for misappropriated, genuine COAs. And, in fact, the COAs seized last week have an estimated retail value of approximately \$1.7 million.

While current law prohibits trafficking in counterfeit software and fake COAs, it provides no sanction against the traffic in genuine COAs. Thus the counterfeiting ring busted last week will escape liability for the almost 20,000 genuine COAs they misappropriated.

□ 1500

Title I remedies this situation. It expands the current prohibitions on trafficking and labels to include genuine labeling components, such as certificates of authenticity.

Title II of the bill before us contains the provisions of H.R. 3754, a largely uncontroversial bill reported out by the Committee on the Judiciary on a voice vote in June of this year. Title II is designed to improve the accuracy and completeness of the Whois database by providing additional civil and criminal remedies for domain name fraud.

The Whois database contains the names, street and e-mail addresses and other contact information of domain name registrants. While all domain name registrants are required to submit information for the Whois database, there are no processes to ensure that this information is either accurate or complete. Inaccurate Whois data hampers law enforcement investigations, facilitates consumer fraud, impairs copyright and trademark protection, imperils computer security, enables identity theft and weakens privacy protection efforts.

Title II seeks to rectify this growing problem through narrow amendments to current law. Title II provides a rebuttable presumption of willfulness with regard to a civil trademark or

copyright infringement, if in connection with the infringement the infringer registers a domain name with materially false contact information. Additionally, the bill increases the maximum possible imprisonment for a Federal felony offense when the offender knowingly provided materially false domain name contact information in connection with the offense.

Title III contains the text of H.R. 112 and H.R. 4646, two minor and entirely non-controversial bills previously reported by the Committee on the Judiciary. Section 301 adds Colorado Springs as a place of holding court in the District of Colorado. Section 302 adds Plattsburgh as a place of holding court in the Northern District of New York. Both changes were requested by their respective Congressional delegations and have been supported by the administrative office of the U.S. courts.

Mr. Speaker, in conclusion, I urge my colleagues to support this legislation.

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

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

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

Mr. Speaker, product names are a key part of the American economy, not only to boost sales of a product, but also to assure that consumers have some assurances about the identity of the manufacturer of the product they are interested in buying.

Counterfeiting, the effort to deceive consumers into buying lower quality goods instead of the high quality goods they want, is now a real problem for high-tech companies.

For many years, software publishers have attempted to thwart counterfeiting activity by developing physical authentication components, called COAs, that help consumers and law enforcement agencies distinguish between genuine software and sophisticated counterfeits.

Counterfeits are now combining pirated CD-ROMs and packaging with genuine components obtained through theft or fraud. Multiplied by millions of transactions, the result to legitimate businesses is lost jobs, lost profits and lost tax revenue on a scale that compromises the health of otherwise vibrant industries.

Last week, a Federal indictment charged 11 people with conspiring to distribute more than \$56 million in counterfeit software and products. However, due to a loophole in existing laws, charges could not be brought concerning over 20,000 illicit COAs that were seized.

Until H.R. 3632 is enacted, Federal law does not prohibit trafficking in genuine physical authentication components. Prosecutors find it impossible to take any legal action in such situations. As a result, this activity has become a highly profitable and largely risk-free illicit business.

The legislation will close this loophole and empower Federal authorities to prosecute counterfeiting activity on a greater scale with better results. Americans will be better protected from those who attempt to deceive them into spending their money on counterfeit products.

The text of H.R. 3754, the Fraudulent Online Identity Sanctions Act, has also been included in the underlying legislation. The Fraudulent Online Identity Sanctions Act assures those that use false identities in conjunction with a domain name face additional penalties for other crimes they commit.

To ensure that online anonymity is protected, the mere act of using an alias online is not penalized. A savings clause assures that first amendment rights are not impacted by the legislation. This legislation, though, will ensure that those who deceive others as they commit crimes online are, in fact, subject to additional criminal penalties for such deceit.

Two Federal Court bills also have been added to the underlying legislation, H.R. 112 and H.R. 4646. These bills create new places of holding U.S. Federal District Court in Colorado Springs, Colorado, and in Plattsburgh, New York. Americans seeking their constitutional right to be heard in Federal Court will find it easier to do so once this legislation is enacted.

H.R. 112 is cosponsored by both Republican and Democratic members of the Colorado delegation.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the bill before the House, H.R. 3632, the Anti-Counterfeiting Amendments of 2003. Fortunately, the Subcommittee on Courts, the Internet and Intellectual Property successfully marked this bill up and reported it out favorably on March 31, 2004, as its provisions will address some serious concerns.

The trafficking of security components, for example Certificates of Authenticity (COAs) is a problem that the current law does not adequately address. Logistically, since the security components are useless without the actual product, such action serves no legitimate business purpose. Furthermore, criminal prosecutors have a hard time attaching crimes to the counterfeit sales made by these traffickers.

Nevertheless, the COA is like currency because it gives the real value to the product to which it is attached. The prohibitions found in this legislation will discourage piracy.

To address this problem, H.R. 3632 would amend Section 2318 of Title 18 to prohibit trafficking of these products. With this narrowly-tailored amendment to Section 2318, federal law enforcement and copyright owners will have the tools needed to prevent trafficking in genuine physical security components.

The Anticounterfeiting Amendments will help combat the growing threat of international counterfeiting crimes by ensuring that U.S. laws address all aspects of counterfeiting activities.

In Texas, a crime ring was implicated that was believed to have imported over 100 million counterfeit cigarettes, mislabeling shipping

documents by indicating that they were importing toys or plastic parts.

Passage of this important bill with the amendments that will be offered to improve its scope will, in the long run, improve the quality of our intellectual property and technological developments. Moreover, with adequate legal checks put in place to reduce trafficking of security products will foster a more competitive environment. For the above reasons, Mr. Speaker, I support this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3632, as amended.

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

A motion to reconsider was laid on the table.

VIDEO VOYEURISM PREVENTION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes, as amended.

The Clerk read as follows:

S. 1301

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Voyeurism Prevention Act of 2004".

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—PRIVACY

"Sec.

"1801. Video voyeurism.

"§ 1801. Video voyeurism

"(a) Whoever, in the special maritime and territorial jurisdiction of the United States, has the intent to capture an image of a private area of an individual without their consent, and knowingly does so under circumstances in which the individual has a reasonable expectation of privacy, shall be fined under this title or imprisoned not more than one year, or both.

"(b) In this section—

"(1) the term 'capture', with respect to an image, means to videotape, photograph, film, record by any means, or broadcast;

"(2) the term 'broadcast' means to electronically transmit a visual image with the intent that it be viewed by a person or persons;

"(3) the term 'a private area of the individual' means the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual;

"(4) the term 'female breast' means any portion of the female breast below the top of the areola; and

"(5) the term 'under circumstances in which that individual has a reasonable expectation of privacy' means—

"(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the individual was being captured; or

"(B) circumstances in which a reasonable person would believe that a private area of the individual would not be visible to the public, regardless of whether that person is in a public or private place.

"(c) This section does not prohibit any lawful law enforcement, correctional, or intelligence activity."

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

"88. Privacy 1801".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1301.

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

There was no objection.

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

Mr. Speaker, S. 1301 imposes civil and criminal penalties for intentionally capturing an image of a private area of an individual without the individual's consent and in a circumstance where the individual has a reasonable expectation of privacy.

With the development of smaller cameras and the instantaneous distribution capability of the Internet, the issue of video voyeurism is a huge privacy concern. Unsuspecting adults, as well as high school students and children, have been targeted in school locker rooms, department store dressing rooms, and even in their homes.

One egregious example occurred in Monroe, Louisiana, where a neighbor installed cameras in Susan Wilson's attic. Using those cameras, the neighbor had been watching the Wilsons for months, but because Louisiana had no laws at the time to prosecute the invasion of privacy, the Wilsons have no options for redress.

Many States have since passed laws that target video voyeurism to protect those in private areas, but there are fewer protections for those who may be photographed in compromising positions in public places. S. 1301 makes the acts of video voyeurism illegal on Federal land such as national parks and Federal buildings, using the well-accepted legal concept that individuals are entitled to a reasonable expectation of privacy. It also serves as model legislation for States that have not yet

enacted their own laws or need to update existing laws to account for the rapid spread of camera technology.

This crime would be punishable by a fine of not more than \$100,000 or imprisonment for up to 1 year or both. The penalties found in this bill reflect the serious injury that is caused by the invasive nature of these crimes.

The Senate passed S. 1301 by unanimous consent on July 24, 2003, and the gentleman from Ohio (Mr. OXLEY), the gentleman from Texas (Mr. GONZALEZ), the gentleman from Virginia (Mr. GOODE) and the gentleman from Washington (Mr. BAIRD) introduced a bill that was substantially the same in the House.

The gentlewoman from Texas (Ms. JACKSON-LEE) added a definition to the term "broadcast" to cover those who would not only video, but directly broadcast these pictures on the Internet. These changes improved the bill, and it is my understanding that the original sponsors in the House and the other body support them.

Mr. Speaker, I urge my colleagues to support this bill.

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

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

Mr. Speaker, I rise in support of the legislation before us today. Recent technological advances have made it all too easy for modern day, high-tech peeping toms to recklessly infringe on the privacy rights of many unsuspecting individuals.

The Video Voyeurism Protection Act of 2003 attempts to bring an end to this disturbing phenomenon by making it a crime to secretly take pictures of someone in a State of undress. Specifically, the bill prohibits the use of certain devices to videotape, photograph or record the genitals, pubic area, buttocks or breast of an individual without that individual's consent.

Second, the bill guarantees that perpetrators of video voyeurism will be punished by imposing a sentence of fine or imprisonment for up to 1 year.

Video voyeurism is a serious crime, the extent of which has been greatly exacerbated by the Internet. Because of Internet technology, the pictures that a voyeur captures can be disseminated to a worldwide audience in a matter of seconds. As a result, individuals in the victims rights' community have labeled video voyeurism "the new frontier of stalking."

Finally, I would like to commend Senators LEAHY, SCHUMER and DEWINE for taking the lead on this important issue and for making sure that it remains at the forefront of public debate. By all accounts, this bill is truly a worthwhile endeavor. I strongly urge my colleagues to lend their support this sensible piece of legislation.

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

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

the gentleman from Ohio (Mr. OXLEY), the House author of the bill, with the sincere hope that he does not use it all.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding me time, and he will be pleased to know that I will not use the entire 18 minutes.

Mr. Speaker, as the proud sponsor of the Video Voyeurism Act, I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from North Carolina (Chairman COBLE) for their leadership in getting this bill through the committee, and also would like to thank the gentleman from Texas (Mr. GONZALEZ) for sponsoring this bipartisan bill with me.

I would like to express my appreciation for Senator DEWINE's work in passing the companion bill in the Senate. I have introduced this bill in the past 3 Congresses, and I am very happy to see it on the floor today.

My original interest in this issue came from a concern that a constituent expressed in a letter. I had also just written the Child Online Protection Act, which is something we need to have implemented after years of legal delays.

Video voyeurism is something that has been in the news a lot lately, in part, due to the improper use of the camera cell phones that have become so popular. For the victim, it is embarrassing and degrading to be photographed in a compromised position. It is an invasion of personal privacy.

What we have seen in recent years is that technologically savvy predators have infiltrated high school locker rooms, department store dressing rooms and even people's homes using small concealed cameras. Women have even been victimized standing in line at the mall or an amusement park.

What makes it worse now is that these pictures can be instantly posted on the Internet for millions to use. In fact, there are a multitude of Web sites devoted specifically for these types of pictures and videos.

As is often the case, the law has not kept up with technology. Many of these cases have been tried under old peeping tom laws which were not written to cover photographic equipment, so a case either cannot be brought or the sentence does not adequately fit the crime.

Although more States are passing laws to address this, our Video Voyeurism Prevention Act would create a comprehensive law that covers all forms of video voyeurism on Federal land, and it will serve as a model for States that either have not enacted or may not want to strengthen their own laws against video voyeurism.

Mr. Speaker, it is a good bill that protects privacy and decency, and I urge my colleagues to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr.

SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1301, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1515

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-217)

The SPEAKER pro tempore (Mr. BOOZMAN) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2004, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on September 22, 2003 (68 FR 55189).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, September 21, 2004.

GENERAL LEAVE

Mr. ISTOOK. 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. 5025, and that I may include tabular material on the same.

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

There was no objection.

TRANSPORTATION, TREASURY,
AND INDEPENDENT AGENCIES
APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 770 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. 5025.

□ 1518

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. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BOOZMAN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 15, 2004, the amendment by the gentleman from Virginia (Mr. MORAN) had been disposed of.

Pursuant to the order of the House of that day, the order of the House of September 14, 2004, was amended to strike any provision for the amendment by the gentleman from Arizona (Mr. FLAKE) regarding Cuba.

The reading has progressed to page 166, line 3.

AMENDMENT NO. 5 OFFERED BY MR. SANDERS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SANDERS:

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

SEC. _____. None of the funds appropriated by this Act may be used to assist in overturning the judicial ruling contained in the Memorandum and Order of the United States District Court for the Southern District of Illinois entered on July 31, 2003, in the action entitled Kathi Cooper, Beth Harrington, and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation (Civil No. 99-829-GPM).

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, 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 7 minutes.

Mr. Chairman, this tripartisan amendment is cosponsored by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from California (Mr. GEORGE MILLER), the gentleman from New York (Mr. HINCHAY), and the gentleman from Illinois (Mr. EMANUEL). This amendment also has the strong support of the AARP, the largest senior citizen group in this country, representing over 35 million Americans; the AFL-CIO, representing all of organized labor; and the Pension Rights Center.

Mr. Chairman, last year, this amendment passed the House by a vote of 258 to 160. Two years ago, a similar amendment passed by a vote of 308 to 121. By voting for this amendment today, we will be protecting the retirement benefits of some 8 million American workers who have seen their pensions slashed by as much as 50 percent through age discriminatory cash balance pension schemes and the 14 million more American workers who still have traditional, defined benefit plans that could be converted to cash balance schemes. That is the issue today: standing up for those workers and protecting the pensions that they have been promised.

The reason that this amendment is coming up again today is, despite the very strong, tripartisan support that we have seen in the House, this bill has yet to be implemented into law, and it is imperative that we keep fighting and keep standing with American workers who want us to do that.

Mr. Chairman, this amendment is simple and straightforward. In July of 2003, a Federal court ruled that IBM's cash balance pension plan violates Federal anti-age discrimination law. The judge in this case is expected to award damages to IBM employees any day now, after which the company will appeal to the Seventh Circuit Court of Appeals.

Our amendment today would simply prohibit the Federal Government from assisting in overturning this pro-worker court decision. IBM deserves its day in court, like every other litigant, but taxpayer money should not be used to support an age-discriminatory cash balance plan. And this amendment gives Congress the opportunity to make that very clear.

Mr. Chairman, let us be very clear. While this particular lawsuit involves IBM's conversion to a cash balance plan, there are hundreds of other companies that have done exactly the same thing. This is not just IBM; it is hundreds of companies, companies like AT&T, Duke Energy, CBS, Bank of America, Enron, WorldCom and many others. It is not only IBM employees who are hurting but millions of workers from one end of this country to the other who have also been affected, people whose retirement dreams have been

shattered when companies change the rules of the game and slash the retirement benefits that were promised to their employees.

This precedent-setting court ruling against cash balance plans confirms what American workers have been saying for years: Cash balance pension conversions discriminate against workers based on age, are illegal and, without adequate protections for older workers, must be stopped. And that is what we are here to do today.

Mr. Chairman, let me just read a brief excerpt from the ruling of Judge Murphy: "In 1999, IBM opted for a cash balance formula. The plan's actuaries projected that this would produce annual savings of almost \$500 million by 2009. These savings would result from reductions of up to 47 percent in future benefits that would be earned by older IBM employees. The 1999 cash balance formula violates the literal terms of the Employee Retirement Income Security Act. IBM's own age discrimination analysis illustrates the problem." That was Judge Murphy.

Mr. Chairman, I became involved in this issue several years ago when hundreds of IBM employees in Vermont contacted my office and told me that the pensions that they had been promised by the company had been cut by 20 to 50 percent. In fact, the largest town meeting that I have ever held in Vermont, and I have held many, was for some 700 IBM workers who came out to demand that the company rescind the changes that had been made in their pension plan.

Mr. Chairman, think about it. Think about workers staying at a company through good times and bad times, providing loyalty to their employers because, among other reasons, they expect to receive certain agreed-upon pensions when they retire. And then, Mr. Chairman, one day, out of nowhere, the company sends a document, maybe it is an e-mail, which says, in so many words: Thank you, employees, for your dedicated service to the company, but forget about the promises that we made to you regarding the retirement that you and your family were anticipating. Forget about it. That is gone.

And, in many instances, while pulling the rug out from under their employees, we are seeing older workers, years of service to a company, suddenly find that the pensions that they had been planning on, the retirement dreams that they had been expecting, slashed by up to 50 percent.

Mr. Chairman, for those Members who will tell us that cash balance conversions are good things and should be supported, and there will be some today, I would remind them of a report from the Congressional Research Service that I requested. And very simply, what I asked the CRS to tell me is, what impact would a conversion to cash balance mean for Members of Congress, because I hear over and over again, Members of Congress, they want the American people to have what they have.

Well, surprise, surprise. What the CRS reported was that, if Congress converted to cash balance payment plans, our retirement benefits would go down, down, down. So, if any Member today thinks that it is a great idea to force cash balance payment plans on the workers of America, I hope that they will do the same thing for the Members of Congress and cut their pensions by up to 50 percent.

Mr. Chairman, all over this country today, there is enormous pension anxiety. People who have worked for decades are wondering whether the promises made to them will be kept. That is the issue today. Let us vote for this bipartisan amendment.

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

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 20 minutes.

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

Mr. Chairman, maybe people do not realize what we are actually debating. We are not debating pension plans. We are not debating conversion of pension plans from one type to another. We have before us the amendment by the gentleman from Vermont to this Transportation and Treasury appropriation bill, and maybe people do not realize what the amendment says.

The amendment says that you cannot use any of the money appropriated in this bill to assist in overturning the judicial ruling on a particular court case. That case, which was in the Southern District of Illinois, decided last year, was the action of Kathi Cooper, Beth Harrington and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated v. IBM.

The amendment says, do not use any of the money in this appropriations bill to assist in overturning a court case to which the United States Government is not even a party. It is a case between IBM and some workers at IBM. Not only that, this bill does not contain funding for the judicial system, nor do I believe it is the role of this Congress to say, when I like a court decision, I am going to come here with a bill that says, nobody can overturn this court decision. If I do not like a court decision, I am going to come here with a bill that says, we must overturn the court decision.

Now, we can change underlying law. That is our job. But it is not our job to say, we are going to decide a particular court case. If we want to change the law that governs the entire country, we ought to do it, but not come with a bill that has nothing to do with the judicial system and say, you cannot use this to overturn a court case between IBM and some of its workers.

Now, there is a lot of controversy, we know, about types of pension plans and conversions of pension plans. We have legislation that is being considered. We

have the Treasury Department, which is working on potential regulations relating to those conversions. And the Treasury Department works with every company in the country and every individual covered by a pension plan in the country, and you cannot say you do not communicate with each other.

□ 1530

But, again, that is not what this says. It says, do not help somebody overturn a court case to which you are not a party. Come on, get real. Besides which, there has been other litigation on this case, and other courts came down on the other side. I think there have been four cases around the country. Three went one way; this one went the other.

If we want to talk about the issues, let us bring legislation to talk about what pension laws should be generally, not try to say we are going to overturn a court case with an action before this Congress in the amendment.

One final thing just because I know that the proponents of the amendment are getting into the merits of the case. Basically, that case said, well, it is age discrimination if somebody is going to work for a company longer and so their benefits earn more interest than somebody that works for a shorter period of time. And this court decided that was age discrimination. If money accrues more interest because it is invested longer, they call that age discrimination. I do not. I do not think most people who apply common sense would think that.

But this amendment does not belong on this bill. This is not changing the law of the land. This is trying to change the outcome of a lawsuit that is now on appeal to which the United States is not even a party. We should not be doing that.

I ask for opposition to this amendment.

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

Mr. SANDERS. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a gentleman who has been very active in supporting workers on pension issues.

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

I want to agree in most part with what the chairman said about this issue. It probably is not the appropriate time to have a big debate about pension policy, but I come to a completely different conclusion.

He said this amendment does not belong on this bill. It is a shame that we have to talk about this amendment on this bill, because it really is about pension policy, and it is about age discrimination, and it is about one company in particular. Now, I do disagree with the gentleman from Vermont (Mr. SANDERS). I do not think all of these cash balance plans are inherently evil. And, frankly, there have been a number of companies that have converted

their pension plans working with the collective bargaining units, working with their employees, giving employees their choice that have done things the right way. So these are not inherently evil things in terms of pension.

As we go forward as a society, as people change jobs more often, the idea of a cash balance plan may make some sense; but it does not make sense when you have a system that works the way it did in the IBM employees' case, and that is where they were given no choice, they were given no say. These were people with vested benefits.

Let me remind Members about what vested says about things. This is the quotation from Webster's Collegiate Dictionary. It says: "Fully and unconditionally guaranteed as a legal right, benefit, or privilege."

Now, these employees showed up for work one day, and they thought they had a pension benefit plan that was vested, that was theirs, that was fully and unconditionally guaranteed; and all of the sudden they found out that day that vested does not mean what they thought it meant. And they finally wound up getting this case before a Federal judge in a Federal court. And the Federal court, and I believe the Federal court in this case was absolutely right, said, wait a second. You cannot do this because the way pensions accrue value is you get most of the benefit.

There is sort of an ascending curve in pension benefits, and it is toward the end of your working career when you get the most benefit. So people who had worked for IBM for 20 years and were going to retire in 5 or 6 years, and I will say that IBM under enormous pressure did rescind the original package that they put in front of the employees, they made it a little better for older workers.

But it did not change the basic facts. First of all, the employees were given no choice even if they were vested. What it did and the reason why IBM and a lot of other employees wanted to convert to these cash balance plans is because they understood that it was a way to shave off those benefits for older workers in the last 5 or 6 years that they might be working for the company.

The bottom line is this: what they were really trying to do is get their hands in the pension funds, because they realized and their actuaries realized that most of these pension funds were overfunded, and they could literally move that money from the pension fund to their bottom line by making these conversions.

Companies are now coming and saying, gee whiz, this is going to cost us billions of dollars. Well, yes, it is going to cost billions of dollars because that was the employees' money. It did not belong to the employer. In fact, in some respects pension funds do not belong to the employee or employer. It is money being held in trust. And one company broke that trust, and the

Federal courts have come down on them very heavily.

I agree with the chairman, we should not have to be offering this amendment today because it is just outrageous for us to think that our own Federal Government would attempt to intervene in a case in which they are not a party to try and overturn a hard-won victory for the employees of IBM. This is an outrage. This is where we, whether Republicans or Democrats, ought to stand together and say it is wrong to steal from pension funds.

Support the Gutknecht-Sanders amendment.

I come to the floor as a cosponsor of this important amendment. IBM employs about 5000 people in my district and there are close to 5000 IBM retirees across the state of Minnesota. Their employees are also my constituents and I, therefore, have a vested interest in ensuring IBM employees are treated fairly.

Fifty years ago a salary was the most important thing to workers. Times have changed. Today pensions and other benefits are the main reasons workers choose a particular company. It is important we encourage employers to keep their promises to their employees and not change their pension plans in midstream.

When an employee becomes vested in a pension plan he or she expects to receive those benefits. "Vested" according to my Webster's Collegiate Dictionary means "fully and unconditionally guaranteed as a legal right, benefit, or privilege." These expected benefits should not be taken away.

Unfortunately, IBM did just that. Perhaps IBM received bad business advice, but the method by which IBM went about switching to a cash balance pension plan was far from exemplary. Let me remind you we're not talking about a company in dire fiscal straits. We're talking about a very healthy company.

Originally IBM offered only those employees within five years of retirement a choice between the old and new pensions plans. While I am pleased they expanded this choice to cover more employees after the employees rightly expressed their outrage, I believe the court case brought against IBM should proceed without intervention by the U.S. Treasury Department.

I wish IBM had adopted models used by other companies when they switched to alternatives to traditional defined benefit pension plans.

For example, Honeywell, another company with many employees in Minnesota, across America, and around the world, switched to a pension equity plan in 2000. Honeywell offered all their employees a choice between remaining in the old plan and switching to the new plan. This is the model of how I feel companies should proceed in this area.

The Director of Benefits for Eaton Corporation, Ellen Collier, testified in front of the House Education and Workforce Committee this year that her company has given employees the choice between two retirement plans. Motorola, Deloitte & Touche, Northern States Power, Eastman Kodak and many other companies have all given their employees choice between old and new plans.

I understand that cash balance plans are a reality of the modern world and we should not discourage companies from offering them. I,

however, do feel there are right and wrong ways to go about converting from one plan to another.

IBM handled this inappropriately and I believe the court case should proceed without federal government involvement.

This amendment overwhelmingly passed the House last year by a vote of 258 to 160 with strong support from both sides of the aisle. It is supported by the AARP. I urge my colleagues to support the Sanders/Gutknecht Amendment.

HON. GIL GUTKNECHT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GUTKNECHT: AARP supports the Gutknecht-Sanders amendment to the Transportation, Treasury and Independent Agencies Appropriations Act for Fiscal Year (FY) 2005 to ensure that the Internal Revenue Service (IRS) does not use any funds in contravention of current law prohibitions on age discrimination in pension plan funds and to specifically prohibit the IRS from issuing regulations or implementing any other measure that would conflict with the July 31, 2003, federal court ruling in Kathi Cooper, et al. v. IBM Personal Pension Plan, et al.

AARP has long been concerned with the legal basis for the hybrid cash balance formula and the significant age discriminatory issues that arise when employees convert defined benefit pension plans to a cash balance formula. We believe that a careful review of the legal distinction between defined benefit and defined contribution plans such as was conducted by the federal court in Cooper makes clear that the most common designs for hybrid cash balance plans do not fit within the current legal framework of the Internal Revenue Code (IRC), the Age Discrimination in Employment Act (ADEA), and the Employee Retirement Income Security Act (ERISA).

As the court concluded in Cooper, the cash balance plan formula discriminates against older workers, and older workers are particularly disadvantaged when an employer converts from a defined benefit pension plan to a cash balance plan. These longer-term employees have given up wages and accepted a lower pension in the early years of their employment in exchange for the larger future benefits from their employer's traditional defined benefit pension plan. Without adequate protection, older workers will now lose some of the benefits they were promised. Older workers generally have less time to accumulate benefits under a new cash balance formula, have a harder time leaving their current job if compensation and benefits are cut, will have fewer prospects of finding a new job, and are less able to adjust to the changes that may dramatically reduce their retirement security (for example, they have less time to adjust by increasing their savings for retirement).

In September 1999, the IRS imposed a moratorium on corporate plans that convert traditional defined benefit plans to a cash balance formula so the agency could review the matter. The moratorium suspended consideration of approximately 300 pending applications submitted by corporations to convert an existing plan to a cash balance formula. The Treasury initially proposed regulations in December 2002 that would have lifted the moratorium and permitted corporations to establish cash balance plans. However, the IRS withdrew the proposed regulations in July of this year.

In its FY 2005 budget, the Administration proposed legislation that would have addressed some of the concerns related to cash balance plan conversions. AARP was pleased

that the legislative proposal recognized the problem with so called "wear-away" and recommended a ban on the wear-away of any benefits at any time after a cash balance plan conversion. In recognition of the transition problem faced by workers, the Administration's proposal also included a five-year "hold harmless" period after each cash balance plan conversion.

While the proposal is a step in the right direction, it does not go far enough. More can be done to ensure that older workers are adequately protected from the impact of a "pension pay cut" in any conversion to a cash balance plan. In fact, many of the recent pension conversions—recognizing the harm to older workers—have provided older and longer-service workers with more generous transition relief, including a choice to remain in the old plan rather than move to the new cash balance plan. This is further confirmation that business can and should do the right thing for their older, longer-service employees.

AARP believes that Treasury should not take any action that would encourage companies to change their pension plans in a manner that is contrary to the age discrimination laws and the federal court ruling. Rather, Congress should act to ensure that older workers are protected in any cash balance conversion. We urge adoption of this amendment.

Thank you for your leadership and dedication to strengthening the private pension system and protecting the pension benefits of workers. Please let me know, or have your staff call Frank Toohey (202-434-3760) of our Federal Affairs office, if we can be of further assistance.

Sincerely,

MICHAEL NAYLOR,
Director of Advocacy.

Mr. SANDERS. Mr. Chairman, does the gentleman have additional speakers?

Mr. ISTOOK. Mr. Chairman, I have another speaker that may be arriving, but they are not here at this time; and other than that, I know of no other Members seeking time.

Mr. SANDERS. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. EMANUEL).

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

I would like to commend the gentleman from Vermont (Mr. SANDERS), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from California (Mr. GEORGE MILLER), the gentleman from New York (Mr. HINCHEY) for their leadership on this issue.

We have been down this road before. We dealt with this earlier where a bipartisan group of Members of Congress came together and sent a clear message as it relates to retirement and pensions that you cannot do what IBM and other corporations tried to do. And Congress in that issue was not left versus right. As my colleague from Minnesota (Mr. GUTKNECHT) always says, it is about right versus wrong. And a bipartisan group came together as it relates to the retirement plans of Americans who negotiated a deal and woke up in the middle of the night and had that deal abrogated, and that is not right.

Now, as my colleague from Minnesota said, there is a right way and a wrong way and you can create a win-

win situation. For the older workers who have a defined benefit plan, we are going to honor that. And for younger workers, we are going to get you into a 401(k) or what is called typically a defined contribution, that can happen as well. But you cannot wholesale change something people negotiated in good faith, won at the negotiating table and try in a backhanded way to take that money away. And if we had done that, and as my colleague from Vermont (Mr. SANDERS) has shown, if Members of Congress had opposed all of the sudden a cash balance type of retirement system, people here with 18, 20 years would lose hundreds of thousands of dollars in their retirement plan. They would not think it is right. And if it is not right for a Congressman, it should not be right for people who are employees of companies who agreed to something. That would be wrong.

Now, we are dealing with two cases here: the particular case of IBM and the general issue of retirement plans. On the IBM case, I think it is appropriate for this amendment because to date the Treasury Department has consistently tried to find a way, and this is the latest vehicle to get involved in this IBM case as it relates to the retirement plan and IBM's attempt to go to a cash balance retirement plan which would cheat older workers of many years of their retirement savings that they agreed to and have knowledge that they have when they retire.

We need to stop Treasury from doing what they have been trying to do for 2 years. I do compliment them for their resourcefulness. They have never missed an opportunity to try to figure out a back door to imposing cash balance as a retirement plan.

Now, in general, the larger subject, and, unfortunately, we in this Congress have not gotten to dealing with retirement plans yet as I in my city, we have United Airlines, we have a crisis in people's retirement plans, but we have a subject here. We as a society have told people, save for your retirement outside of Social Security. It is important for you to save and not just rely on Social Security. And here you have a case of workers who have saved outside of Social Security, done everything they have been told to do, and then corporate America is allowed to walk away and cheat them of that.

You cannot tell people on one hand, you need to save for your retirement, and on the other hand let corporate America steal from it or cheat them of it. You either tell them one thing and have the laws of the land follow it, or you tell them another thing and have the laws of the land follow it.

And the deal we are having here on this, because we have no other venue in dealing with the retirement crisis in America, is that we have to tell people, you are going to save outside of retirement and the laws of the land are going to respect what you have done for your life, which is to plan for you and your spouse's retirement and so you can re-

tire with dignity, with Social Security, health care as well as the retirement plan you have in the private sector. And our laws are not going to undercut what you have done your whole life. And we are not going to allow management, I understand the pressure management is under, but we are not going to allow them to walk away with what they agreed to.

You can create, as Secretary of Treasury John Snow did at CSX when he was in private sector, he went to a cash balance, and did right. He did right to older workers. He did right to younger workers, and he did right to his bottom line and his shareholders; and he did not cheat anybody.

It is high time the folks in the Treasury Department get their greedy little hands off and stop trying to figure out every way to undermine working men and women in this country and retirees from what they have earned rightfully at the negotiating table.

Mr. SANDERS. Mr. Chairman, does the gentleman's status remain the same?

Mr. ISTOOK. Mr. Chairman, I just received a note that there is a Member that is on his way.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from Vermont (Mr. SANDERS) for yielding me time.

This amendment is, in fact, about fairness. It is fairness to the American workers. A Federal court ruled in 2003 in the IBM case a conversion to cash balance plan, in that instance, which would have reduced pensions for older workers by 47 percent was a violation of Federal age discrimination rules.

Now, even though that provision has become law, it has not stopped consultants from trying to convince the Treasury Department to issue new guidance that would overturn that rule and other Court rulings in favor of employees.

By prohibiting the Federal Government from assisting in overturning these judicial rulings, this amendment protects millions of people. Those people stand the risk of having their pensions from hard work and long hours taken away from them by the conversion. It is only right and fair and just that we pass this amendment. More than 8 million employees and retirees have lost \$334 billion in benefits as a result of pension plans being shifted to cash balance plans inappropriately.

A large number of older Americans, in this case defined by people 40 years and older, have lost up to 50 percent of the values of their plans. So I think what is even worse about this is the fact that President Bush's administration has supported treating these workers unfairly by backing cash balance plans.

In December of 2002, the IRS proposed lifting the 1999 moratorium on cash balance plan conversion. This year, the administration's budget pro-

posed to give corporations a green light to violate pension age discrimination laws, while providing inadequate protection to workers affected in the future. These threats by the administration to workers' pensions demonstrate the importance of passing this amendment.

By voting for this amendment, Congress will be taking another important step toward protecting the rights of workers. I urge my colleagues to do just that. Support this amendment and stand up for America's workers.

Mr. SANDERS. Mr. Chairman, how much time is left on both sides?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Vermont (Mr. SANDERS) has 3 minutes remaining. The gentleman from Oklahoma (Mr. ISTOOK) has 16 minutes remaining.

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

Mr. Chairman, I think it is important to remind people what this amendment is and what this amendment is not.

This amendment is not determining the question of what types of pension plans are permitted by law. This amendment does not determine the question about whether you can convert, if you are a company, from one type of pension plan to another. That is not what we are talking about. This amendment says specifically that you cannot overturn a particular court case between IBM and its workers that is in contradiction of multiple other court cases about whether a retirement plan is age discriminatory or not.

□ 1545

That case is on appeal. That case is going to be decided under the law as it existed at the time. We are not changing the underlying law. We are not being asked to create a uniform standard for all companies. We are being asked to help people make sure that they do not lose their case on appeal, even if that appeal is contrary to other court decisions, even if that is not a proper role of this Congress. That is what the amendment is about. It is about stopping the overturning of a particular court case.

Mr. Chairman, yes, there is a large part of other issues that are out there that relate to pension plans, and most of the speakers have been talking about those issues. There are many companies that will tell us they made some bad decisions in years past, and because of it, they and their workers are in a tough spot. They may not be able both to pay the benefits they promised to workers in years past and stay in business.

Many companies have gone into bankruptcy because of this; and in bankruptcy court, if it is a reorganization procedure, they can abrogate, or in other words, they can do away with, or change the terms of, prior pension plans. It is a conflict often between people who worked for a company and received certain promises, and they

want those promises fulfilled and people who currently work for a company, and the company is not going to be able to stay in business if it is stuck with the old pension plan rules.

That is why so many companies want options in this. That is why we are looking at legislation to give companies options. It is a bona fide, honest debate that we need to be having, but it is not what this amendment is about.

This amendment, says, well, you cannot use any money in this particular appropriations bill to help overturn this one case with one set of workers and one company. We should not even be considering an amendment like this, and I oppose it.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise today to oppose the amendment by the Representative from Vermont.

The gentleman from Ohio (Chairman BOEHNER) and I are working on legislation to reform the pension system, and this ill-timed amendment will undermine our efforts. I ask my colleagues to refrain from using the appropriations process to undermine our comprehensive reform efforts in the committee of jurisdiction.

The various sponsors of this amendment have had a problem with the conversion of the IBM pension plan 5 years ago. Despite the fact that IBM gave its employees everything they were asking for, the sponsors of this amendment now want to continue pushing this issue past its logical conclusion.

They now want to enshrine in law a flawed court case. The court case essentially found that the time value of money is age discriminatory.

An example might explain this crazy logic. Let us say a 25-year-old and a 52-year-old were hired on the same day to do the same job at the same pay. Their company would make an equal contribution to each employee's pension account.

The Cooper case found that the equal pension contribution is age discriminatory. Why? Because the 52 year old has less time to accumulate interest before retiring.

Yes, the logic of the case is that interest or the time value of money is age discriminatory. It is flawed logic, and it has been found to be flawed in every other court that has reviewed this issue.

Thousands of cash balance pension plans cover millions of Americans.

To the extent that the flawed logic of this amendment is given any support in Congress, it will undermine pension plans. Given the growing reluctance of businesses to sponsor traditional defined benefit pension plans, this amendment is just one more reason for companies to walk away from this type

of pension and our constituents who need them.

We need to oppose this flawed amendment.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I hate to rise and oppose two of my good friends, but I thank the gentleman from Texas (Mr. SAM JOHNSON), who has just given a speech; and I just want to contradict a couple of things he said.

First of all, if the IBM company had given IBMers all they wanted, they would not be in court; and if there were not age discrimination, they would not have won; and if it were not for the IRS and the Department of Treasury wanting to get involved in this case, we would not have to offer this amendment.

This is wrong. As my friend said, this is not a matter of right versus left. It is right versus wrong. It is wrong for employers to steal from pension funds. It is that simple.

The reason we are here today is to try and keep this administration from doing something incredibly stupid, and that is, getting involved in this case which the workers have already won, and they are right, because it is the age discrimination.

Cash balance plans are not intrinsically evil. I said that earlier; but when you do it in such a way so that you shave off the end where people really accrue benefits, the courts have correctly ruled.

Mr. SANDERS. Mr. Chairman, I would inquire as to the amount of time left both on sides.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Vermont (Mr. SANDERS) has 2 minutes remaining. The gentleman from Oklahoma (Mr. ISTOOK) has 11 minutes remaining, and he has the right to close.

Mr. ISTOOK. Mr. Chairman, I intend to reserve the balance of my time for closing.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I applaud the gentleman from Vermont (Mr. SANDERS) and the gentleman from Minnesota (Mr. GUTKNECHT) for their leadership and work on this issue.

The gentleman from Vermont's (Mr. Sanders) amendment is very clear. It would prohibit the Federal Government from assisting in overturning or, for that matter, in taking any role thereby in overturning the court decision in this case.

Now, the chairman has characterized this amendment as saying that this court decision cannot be overturned. That is not true at all. IBM and the workers for IBM can contest that, and it can be overturned. The amendment merely says that the U.S. Government cannot take part in the overturning.

The gentleman from Texas has said that this amendment would undermine

pension reform. Whatever the chairman's views on the appropriateness of this amendment for this bill, last year this amendment passed this House on this very same bill by a vote of 258 to 160. The chairman was the chairman then. Two years ago, a similar amendment passed the predecessor subcommittee, the Subcommittee on Treasury, Postal Service and General Government, which the chairman was the chairman of also, by a 308 to 121 vote.

So it has been applied to this bill at previous times; and here again, the only issue is that taxpayer money should not be used to support IBM's age discriminatory cash balance plan, as the court decided. It would be an insult to workers if their own Federal dollars were used to cut their own pension plans, and we should overwhelmingly adopt this amendment today as we have done on two previous occasions to the exact same bill in previous years.

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

This amendment is not necessary for us to intervene in a lawsuit that is on appeal. Even if we did, we would be intervening against the weight of what other courts have ruled, and we would also threaten the efforts that this body and many people in it are undertaking, trying to resolve the tricky issues of pension plans, conversions of other pension plans between defined benefit and defined contribution plans.

This does not belong on this bill, and I ask Members to oppose the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of the Sanders Amendment.

The Sanders amendment would ensure that the Treasury Department does not use any of its funds to undermine the Federal court decision in Cooper v. IBM that held that cash balance conversions violate Federal pension and age discrimination law.

We've been here many times before.

In fact, this is the fourth time that the House is voting to protect older workers' pensions under cash balance pension plan conversions. The last two times the amendment passed by 308-121 and 258-160.

Instead of voting to prevent the Treasury Department from undermining workers' pensions, I wish we were voting affirmative legislation to set standards for cash balance plans.

This issue has been going on since 1999.

In 1999, IBM converted its pension plan to a cash balance plan. Luckily, its computer savvy workers quickly figured out that the conversions would reduce their expected pensions. The workers mobilized and got Congress to hold hearings.

The Clinton administration imposed a moratorium on approvals of conversions in September 1999. But then, the new Bush administration tried to issue regulations lifting the moratorium and permit conversions without any worker protections.

Immediately 218 Members of Congress wrote to the President urging him to revise the regulations and protect older workers.

Four times the House and Senate have voted to require Treasury to withdraw its regulations and protect older workers.

Finally, this year, in 2004, the Bush administration relented and withdrew the regulations. The administration even sent up a revised legislative proposal that contained a modicum of older worker protections through it did not go far enough to protect older workers.

But, still the issue is not resolved. Either Congress or the courts must set standards for cash balance plans and conversions to such plans.

The Republican Congress has done nothing on this issue for almost 6 years. If anything, Republican leader would defer to employer lobbying and simply permit cash balance conversions without any protections for older workers.

That's why the courts may have to be the body that resolves some of these issues.

One court, the Federal district court for the State of Illinois, determined that conversions are illegal. Other courts have disagreed. These cases and others still waiting to be heard will take years to resolve.

This amendment makes clear that the Treasury Department shall not interfere in these cases.

Today worker pension security is in crisis. This administration has done nothing to protect worker's pensions and done everything to undermine them.

They didn't protect workers after Enron and Worldcom from employers loading pension plans with employer stock and letting the executive protect themselves while leaving the workers stuck with worthless stock.

They didn't protect participants in 401(K) plans from a broad range of mutual fund abuses that have decimated retirement nest eggs.

And they are not protecting workers now from rampant pension underfunding. The PBGC, the agency that insures traditional pensions, has a \$10 billion deficit. And if the airlines go under, the deficit will increase by another \$30 billion. Over 1,000 pension plans are more than \$50 million underfunded. And workers don't even know because the PBGC is required to keep the information secret.

The administration and the Republican majority are doing nothing to protect worker pensions.

I urge my colleagues to vote once again and remind the majority that it is the will of the Congress that older workers be protected in cash balance pension plan conversions.

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

The CHAIRMAN pro tempore. All time for debate has expired. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. VAN HOLLEN

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. VAN HOLLEN:

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

SEC. ____ . None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A-76 made on May 29, 2003.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 10 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. Chairman, this amendment deals with the process that we now have in place for contracting out work that is being performed by Federal employees, in other words, the rules that govern the privatization of Federal Government jobs.

That process, which is known as the A-76 process, named after the OMB circular, is now a broken process. In fact, both Federal Government employees and private contractors have serious, legitimate complaints about the existing competitive sourcing process.

This amendment would, in effect, encourage OMB to go back to the drawing board and develop a competitive sourcing process that makes sense and is fair to all parties.

It is an amendment that is identical word for word to the amendment that the House passed on a bipartisan basis last year as part of the Transportation-Treasury appropriations bill.

We passed this amendment last year for a very simple reason. We recognized that the existing contracting-out process is unfair and that it needs to be fixed, and that has not changed from last year to this.

Indeed, already this year, the Committee on Appropriations and this House have acknowledged that the process is inadequate because we have passed both appropriations and authorization bills that change the competitive sourcing process as it applies to specific government agencies.

For example, the Defense appropriations bill that we passed, and which the President has already signed, changes the existing rules for Department of Defense Federal employees in a number of ways.

That bill ensures that Federal employees of the Defense Department are always given an opportunity to compete to keep their jobs by forming what is known as The Most Efficient Organization.

The Defense appropriations bill, again signed by the President already this year, requires that whatever entity is seeking to take over the work, to bid on the work, whether it be a private contractor or a group of Federal employees, must demonstrate that

they will save the taxpayer dollars through a procedure known as "minimal cost differential," or the "10 percent savings rule." It makes sense that we would ask as part of the competitive process that we save the taxpayers money.

The Defense appropriations bill also prevents private contractors from gaining an advantage by contributing less to health insurance for their employees or by stripping people of their health benefits.

Those are provisions that have already passed the House, the Senate, and signed by the President as part of the Defense appropriations bill. They make sense and they are fair. If the current process is working, why did we change them as part of this year's Defense appropriations bill?

Why should those rules which we now have applied to DOD employees regarding contracting out not also apply to Federal employees at the Department of Transportation, Treasury Department, and other Government agencies? Why should those other Federal employees be treated as second-class citizens?

We also passed the Defense authorization bill this year. That legislation contains changes to the contracting-out process that requires that Federal employees and private contractors have the same rights to appeal an adverse decision. If they get a bad decision, they appeal.

□ 1600

We should make sure that right applies equally to both parties. That is simple fairness.

Then there are the Homeland Security appropriation bills and the Interior appropriation bills that have already passed this House. Those bills also have specific little changes to the contracting-out process. If it is so fair as it is, why did we as a body already change it this year with respect to those agencies?

And, indeed, the bill we are on today, the Transportation-Treasury appropriation bill, as it came out of committee, contained the Hoyer-Wolf language that also would have made the process more fair, that was taken out on a procedural motion earlier. But the pattern is clear: The Committee on Appropriations and this House, through the actions we have already taken this year on numerous appropriations and authorization bills, have recognized serious problems in the contracting-out process. The only problem is we have responded on an ad hoc piecemeal fashion.

We now have four different sets of rules in different appropriation bills, and we keep changing the rules year to year. The result is we have a patchwork of different rules that apply to different agencies. It is unfair to Federal employees, it is unfair to the private contractors. We should address this issue in a uniform comprehensive manner.

That is what this amendment is all about. It does not get rid of the competitive sourcing rules. The rules in effect before May 2003 will apply until OMB gets its act together and addresses the inadequacies in the process and addresses the kind of issue that this House has addressed this year in its appropriation bill. That is what this is about; sending it back to OMB and telling them to start from scratch and get a fair process in place. Then we will not have to deal with this issue year after year on this appropriation bill, Mr. Chairman.

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

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition to the gentleman's amendment, and I yield myself such time as I may consume.

Mr. Chairman, I think there are many Members of this body who would object to any form of competitive sourcing of work that is currently being done by government workers. It is not a case of the specifics of any particular framework for doing that, they just want to make sure that people that have government jobs are the ones that do the work, despite inefficiencies, despite work that may be outside of the core work of a government agency.

For example, a government agency that may be involved with health care does not have expertise in cleaning its facilities or landscaping its facilities or copying services, or many of the myriad of things that are outsourced or competitively sourced frequently. They may have their own cafeteria workers rather than hiring a company that has expertise in running an employee cafeteria. There is a multitude of instances where it makes sense for the government to do what the private sector has done, and that is to take government functions that are performed by government workers that are not inherently governmental and find someone else that can do it better and cheaper.

The goal of so many Members of this body is to shut down any effort to make the Federal Government more competitive and more efficient because they want to make sure that people are on the government payroll, even if it costs more to do the work, and even if it is less efficient. If it uses more of the taxpayers' money, they do not care. They want to preserve government employees' jobs.

Well, this is not even a question about whether those people will get the jobs. If they go through the process of competitively sourcing it, and maybe letting someone else come in, typically they will hire the same people to do it, but under a new management. Moreover, when we have competitive sourcing competitions between government workers and the private sector, then government workers have to become more competitive; government workers have to become more responsive.

In fact, in these competitions, typically the government employees retain

90 percent of the work. They are not outsourced. This amendment is just trying to stop government efficiency because we have some Federal employee unions and others that insist that the people that do the work have to be members of their unions. That should not be the issue. The issue ought to be making the most of the taxpayers' money.

Now, the administration has already sent us what is called the Statement of Administrative Policy that tells us if this language gets in this bill, it is headed for a veto. We do not need that. We do not need to hurt the taxpayers and we do not need to slow down the legislative process by having a veto on a bill that needs to be adopted and needs to be passed.

The administration has acted to try to streamline what is called the A-76 process, the competitive sourcing process. They are trying to make it more efficient. They are trying to make it fairer to everybody involved. They have tried to make sure that instead of taking 4 years, 4 years, Mr. Chairman, as it often takes to manage these competitions under some old rules, they say you ought to be able to do it in 12 months. That is common sense where I come from, and it is common sense to most people. This amendment, though, wants to shut it down. The amendment wants to block the Committee on Government Reform. It wants to block savings for the taxpayers.

Mr. Chairman, I oppose this bill and I ask other Members to oppose the amendment also.

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

Mr. VAN HOLLEN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman for yielding me this time, and I do have to comment that I think this amendment does not want to shut down the process that the gentleman from Oklahoma talks about. In fact, he wants to revise the 2003 process to make improvements that have already been recommended by the General Accounting Office, that have been recommended by congressional lawmakers and, in fact, have been recommended by the Office of Management and Budget from the administration. It is an opportunity for them to get it right.

This amendment would give lawmakers in the OMB an opportunity to revise this privatization process along the lines that Congress has already done in the other instances that my colleague from Maryland has mentioned. So it is not a process of shutting it down, but it is a process of hoping that it will be done fairly and will get the taxpayers the best solution and also treats the Federal employees fairly on this.

This administration has been relaxing health and safety protections, has been scaling back overtime rules, and has been enacting new regulations de-

signed to weaken unions. This administration has been, in fact, waging an all-out assault on the American worker. And now they are shifting it over, to make matters worse, and extending those attacks on the benefits and protections of workers who have chosen public service as a career.

Those people who pursue a career in Federal Government are one of the greatest resources that we have and they are some of the very best in this country. They make our system work and they do their job with skill and, many times, without any recognition. Mr. Chairman, there has been no good reason and no evidence of poor performance to lead this attack on the Federal workforce and no reason to have it come under assault on that basis.

We can have the competition people talk about if it is done properly and it is done on a level playing field. The President has already attempted to curtail the collective bargaining rights of some 180,000 workers in the Department of Justice and in the Department of Homeland Security and threatening to do it in the Department of Defense.

In addition to those legislative reforms, there are proposed revisions in the regulations about outsourcing to private contractors, even trying to redefine the type of work to be considered inherently governmental.

Without this amendment, the changes will affect too many people in an unfair way. Mr. Chairman, I suggest this is not pragmatic public policy. We ought to move and do what this amendment says we should do. I urge my colleagues to support the Van Hollen amendment.

Mr. VAN HOLLEN. Mr. Chairman, may I inquire about the balance of time on each side?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Maryland (Mr. VAN HOLLEN) has 3 minutes remaining, and the gentleman from Oklahoma (Mr. ISTOOK) has 6 minutes remaining.

Mr. VAN HOLLEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Van Hollen amendment to prohibit the use of funds in the Transportation-Treasury and Independent Agencies appropriation bill for fiscal year 2005, which would implement revisions made in 2003 to the Office of Management and Budget's long-standing rules that govern Federal agencies' outsourcing of work.

Given the fact we have lost more than 2 million jobs since 2001, we should present a more thoughtful approach to Federal contracting that is fair to both the Federal and private sectors. I am not convinced that the rush to privatization is a cure-all for all of the workplace issues that we need to deal with. Therefore, I am not

sure it is going to necessarily save taxpayers money.

We should accept the Van Hollen amendment. I urge support for it. Let us go back to the drawing board and get it right.

Mr. ISTOOK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is not about whether we keep or do not keep jobs in the United States of America. We are going to keep those jobs. The question is: Does certain work within government agencies have to be performed by a government worker or do they have the ability in a government agency to find the best deal for the taxpayers; the most effective and economical way to accomplish the task?

If it is cheaper to pay a private service to do some work that otherwise you would have to hire a government worker to do, why not hire that private service? Look about us, businesses that have proliferated, for example take the copying business, things like FedEx, Kinkos, and the UPS stores, who do copying over and over. Because they do the same thing and they do it repetitively, for that reason it costs everybody less. Are my colleagues telling me that if we have a big load of copying to do in a government office, and believe me, that happens all the time, are we saying the only way we should be permitted to do it is with a government copying machine, with a government worker standing at that, rather than sending it out where the same thing can be done for less and done quicker and cheaper?

That is a simple example, but it makes the point. There are lots of things the Federal Government does that do not need to be done by the Federal Government. They do not involve people interpreting Federal laws, they do not involve people making a judgment call, they are not law enforcement issues, they are not privacy issues, and they are not confidential information. They are just everyday things that can be done in the private sector as well as in the government sector.

If we competitively source those and give other people the chance to do it, what is wrong with that? What do some people say is wrong? Well, for goodness sakes, then it is not done by somebody that is a member of that government workers' union. And that is the essence of the challenge. That is what the amendment is about. Let us save the taxpayers money and vote against the amendment.

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

Let me just say that this amendment is not, with due deference to the subcommittee chairman, about whether competitive sourcing is a good idea or not, or whether we are going to continue to do competitive sourcing. We have, as a U.S. government, done that, we will continue to do that, and it is a good thing when it is done in a fair and balanced manner. That is what this amendment is about.

I would ask the subcommittee chairman why he would object to a provision that says when we do competitive sourcing the contractor seeking the work has to show that they are going to save taxpayers money. That is one of the things this House has included in appropriation bills that have passed this year, so we can make sure the taxpayer gets a better deal. That is not part of the existing rules.

I would ask the subcommittee chairman why the Committee on Appropriations in this House have already passed four different bills through this House this year, one signed by the President, that already changed the contracting-out rules with respect to certain agencies to make the process more fair? That is what this amendment is about.

This amendment is designed to make sure we have a more even playing field, that we are not here in Congress trying to correct the unfairnesses every year, but we send OMB back to the drawing board, have them use the old rules until they establish a new set of contracting-out, competitive-source rules that are fair to Federal and Government employees, fair to contractors, and get a good deal for the taxpayer.

Mr. Chairman, I urge adoption of the amendment.

Mr. ISTOOK. Mr. Chairman, I yield the balance of my time, which I believe is 4 minutes, to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I rise to speak against this amendment. The amendment would eliminate many of the contract reforms that we have worked so hard, so very hard to pass in order to increase the efficiency of government operations.

Contrary to statements of supporters of this amendment, competitive outsourcing is not outsourcing or privatization. I do not know why the supporters of this amendment oppose demanding the most for our taxpayer dollars because that is what we are doing when we talk about competitive sourcing. These contracting reforms create an environment where Federal employees can compete against each other and the private sector to provide services for the government. This is much of what our the government reform efforts are about in this Congress.

Competitive sourcing allows the commercial functions of the government to be contracted out to whomever offers the best deal for the taxpayer. That is called getting the most bang for your buck.

Mr. Chairman, that is what my constituents constantly talk about, is having government work efficiently, having it meet our needs, and having it do so making the best possible use of that taxpayer dollar; being the best steward that we can possibly be of the taxpayer dollar.

□ 1615

If this body adopts the Van Hollen amendment, the progress we have made in eliminating waste in the Federal bu-

reaucracy, much of that will be undone and millions of taxpayer dollars will be spent needlessly. We cannot allow this to happen. We are on the road to making some great strides in reforms.

I urge my colleagues who are serious about having an efficient and effective government, a smaller government that serves the needs of the American people, to vote against the Van Hollen amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. VAN HOLLEN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) will be postponed.

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

Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Massachusetts (Mr. TIERNEY) regarding disposal of Federal property in the town of Nahant in Massachusetts.

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

Mr. OLVER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I thank the ranking member for the opportunity to discuss an issue that is critical to my constituents in Nahant, within the Sixth Congressional District of Massachusetts.

One hundred years ago, the Coast Guard seized land from the town of Nahant for the purpose of stationing military personnel. While some of that land was returned in 1954, the town has remained interested in reacquiring the remainder of the parcel located in the Castle Road, Goddard Drive and Gardner Road area. Recently, to address housing needs elsewhere in New England, the Coast Guard decided to sell this property through the General Services Administration. Unfortunately, despite over 50 years of positive relations and Nahant's express interest in purchasing the land, the Coast Guard did not inform the town of that decision.

I became involved to help facilitate a solution that was agreeable to all parties. After a series of meetings and discussions, the General Services Administration and the town of Nahant agreed in principle that the 12 housing units will be conveyed to the town for an amount of \$2 million.

Since then, Nahant has convened a special town meeting and approved the \$2 million for the purchase of the land. This agreement is moving toward a satisfactory conclusion, but specific legislative language is necessary to codify the sale.

That language, developed in collaboration with and which has the full support of GSA, the Coast Guard, the town

of Nahant and the gentleman from Minnesota (Mr. OBERSTAR), chairman of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, was crafted and accepted in the version of this bill which this subcommittee and the Committee on Appropriations reported last month.

I thank Members for their support of this provision throughout the subcommittee's consideration of the bill. Additionally, I would like to point out, this sale generates \$2 million in revenue for the Federal Government. I understand that we cannot get this in the UC list coming up, but I ask for Members' continued support for this as this bill goes to conference.

Mr. OLVER. Mr. Chairman, I completely agree with the gentleman from Massachusetts (Mr. TIERNEY) on the particulars of this legislation. I thank the subcommittee chairman for showing that he actually agrees with this as well by the fact that we have included section 410 at each stage in the appropriations process.

However, section 410 was one of many important provisions which should have been and under normal circumstances would have been protected under the rule by which we are debating this legislation, but it was struck on a point of order.

The gentleman from Massachusetts (Mr. TIERNEY) has made urgency for action in this matter very clear. I give the gentleman my full support.

Mr. Chairman, I ask that the gentleman from Oklahoma work with me to include this provision in the final version of the bill.

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

Mr. OLVER. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I commend the ranking member and the gentleman from Massachusetts (Mr. TIERNEY) for their leadership on this issue. Throughout my time in Congress, of course, I have been a strong supporter of establishing fair market rate for the disposal of excess Federal real property, and I believe the provision we had in this bill accomplishes that. It is unfortunate that under our parliamentary procedures it was stricken on a point of order.

I do agree this sale actually generates revenue for the Federal Government, the \$2 million. I understand the concern of the gentleman, that the town has moved forward approving the funds, and I want this resolved in a manner that does not jeopardize that agreement.

I pledge to work with the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Massachusetts (Mr. OLVER), the ranking member, as we move through conference to be able to reinstate this provision.

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. NORTON:
Page 166, after line 3, insert the following:
SEC. 647. None of the funds made available in this Act may be used to enter into or renew any contract under chapter 89 of title 5, United States Code, for a high deductible health plan that does not require enrollees to remain enrolled in such plan for at least 3 consecutive years from the date of initial enrollment.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from the District of Columbia (Ms. NORTON) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 5 minutes on the amendment.

The Chair recognizes the gentleman from the District of Columbia (Ms. NORTON).

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

This amendment, I think, could be a win/win for both sides. It protects the Federal Employees Health Benefits Plan while allowing health savings accounts to proceed. My amendment is necessary to preserve the FEHBP.

Surely Members have heard from millions of retirees from across the country who are terrified of health savings accounts, and let me tell Members why.

My bill would allow the health service accounts to proceed putting only enough restrictions on them to keep people from gaming the system, and the way it is set up now, that is what people are encouraged to do. What will happen if health service accounts go into effect the way they are now proposed is that people are encouraged to stay in a health savings account so long as they can anticipate low health care costs. If that is how you anticipate it, you are in. But the moment you know, you anticipate a more major procedure, you are going to get out and get back into the FEHBP, leaving those who must be in the plan, like retirees throughout the United States, paying more.

So what would I do, put a 3-year time limit on it. This is in keeping with how the FEHBP works now. You cannot get out of your plan any time you want to; you have to wait until open season which comes every year. When we are putting the entire system at risk, as this would do, it says you have to be in 3 years so you do not game the system and cost those who must be in the system more money.

The FEHBP is touted as the best plan in the country for a good reason. It has a huge pool of the healthy and not-so-healthy. We spread the burden, we share the rewards. Break up the pool, we destroy the system. Now who is likely to leave? Members can figure it out for themselves: the young and the healthy. That is why the Federal retirees are wiring Members saying: Do not do this to us. Remember the 17 percent increase in Medicare they just had. It is bad enough the increased health care costs we are getting. We know that the

young and healthy are going to leave us, not to mention many others who will just take the chance, many of them families, because health care costs are rising so much they will take the chance and may be left in a terrible position when, in fact, they need a traditional response from their insurer.

This is not speculation. I am citing the largest county in Idaho. It is unusual because it is one of the few public employers which allowed health service accounts. Immediately, within the year, premiums rose. So they were in it not a year and got out of it. Their broker said, you have to use health service accounts for everybody or no health service accounts. The hybrid does not work. The mixed system leaves those left holding the bag while others get out of the system when they think it is to their advantage, jumping out when it is to their advantage, jumping right back in when it is not.

I am concerned about healthy young families because they are going to get out because they are trying to save money anywhere they can. We have testimony from people in Idaho who say, if they knew then what they know now. A young person who broke his ankle had been in the health savings account, was left with that huge deductible, he ended up paying the whole thing because you never know. If you never know and you are young, you take the chance. If you are middle-aged or a retiree and in the FEHBP, you will not take the chance, but you will end up paying more in premiums, destroying the very basis for the FEHBP.

I am saying we defeated the notion there should be no health services accounts. My amendment is not going to protect what we have now in the FEHBP. There is going to be an adverse effect. At the very least, the responsible thing to do is to use the Idaho experience, limit the adverse effect by saying fair is fair. You win here and save money, and you are in here for 3 years so you do not leave our families with higher premiums because you can afford to game the system, jumping in when you think it helps you and jumping out when it does not help them.

Mr. Chairman, who can blame them. This is the kind of calculation people make when they want to save money. But the FEHBP should not be destroyed because we have blindly walked into health service accounts ignoring the existing experience. The way to have both, to do a win/win, is to support my amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the FEHBP is successful because it offers opportunity to Federal workers to choose among a variety of plans, to pick which one best meets their needs. It also is successful because when you make that choice, it is not permanent. Annually there is an open season. If workers have gotten into a plan that does not meet the needs of their family the way they desire, they can change every year.

The gentlewoman's amendment says, for certain plans, workers do not have that option. They have to lock themselves in for 3 years. It is a way of killing a type of plan, and we should not do it.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

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

Mr. GUTKNECHT. Mr. Chairman, I rise in opposition to the Norton amendment. Just a few minutes ago, I was here on the House floor arguing about a pension issue because employees were not given a choice. The essence of the Norton amendment is to not give Federal employees this choice.

The idea that Federal employees and public employees in general do not want to have the choice of a health savings account is simply not true. It may not work as we think it will. I have heard of the study in Idaho, but I have also heard studies from private employers that these programs provide as good or better quality health care, and they do something we must do, they save money.

But do not take my word for it. Public employees in the State of Minnesota have studied these, and they want access. I have letters, and I will submit them for the RECORD, from the Minnesota Teamsters Local 320, Minneapolis Police Relief Association, Minnesota Firefighters' Relief Association, Minnesota State Retirement System and from the Public Employees Retirement Association in the State of Minnesota representing over a quarter of a million people in Minnesota, public employees, who want to have access to health savings accounts.

Will they work as well as some people think they will, we do not know. But putting this as part of the Federal Employees Health Benefits Program is one way to find out. The Norton amendment is one small step in chipping away at the option that Federal employees ought to have to find out whether health savings accounts work as well as many of us believe. Public employees from the State of Minnesota have studied this issue. They want to have that opportunity. We should not deny that opportunity for Federal employees.

MINNESOTA TEAMSTERS PUBLIC &
LAW ENFORCEMENT EMPLOYEES'
UNION, LOCAL NO. 320,

Minneapolis, MN, July 1, 2004.

Congressman GIL GUTKNECHT,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: We are writing to you seeking your continued leadership in addressing Health Savings Accounts (HSA's). As you are well aware, in the 2003 Medicare Act, individuals over the age of 65 were excluded from participating in the newly created HSA's.

It is important that not only do the changes to the Medicare Reform Act of 2003 include participation for those over age 65 in the HSA's but the language which ties Medicare ineligibility to HSA participation must also be removed. HSA participation would provide a very modest way in which our over 65 retiree's could tax defer some of their financial resources.

Our public safety retirees put in their time and duty and had planned on living out their retirement years with not having to face financial difficulties. However, health care costs for those over 65 years of age have increased dramatically over the last decade. Supplemental insurance to Medicare can cost a retired couple up to \$8,000 per year.

We strongly encourage you to work with other members of Congress and the Bush Administration to correct his discrimination against our retirees.

Again, thank you for all your support and past leadership in the HSA's. Please continue to assist us in this battle for affordable health care.

Sincerely,

SUE MAUREN,
Secretary-Treasurer,
Teamsters Local #320.

MINNEAPOLIS FIREFIGHTERS'
RELIEF ASSOCIATION, PENSION FUND,
Minneapolis, MN, July 6, 2004.

Congressman GIL GUTKNECHT,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: We are writing to you seeking your continued leadership in addressing Health Savings Accounts (HSA's). As you are well aware, in the 2003 Medicare Act, individuals over the age of 65 were excluded from participating in the newly created HSA's.

It is important that not only do the changes to the Medicare Reform Act of 2003 include participation for those over age 65 in the HSA's but the language which ties Medicare ineligibility to HSA participation must also be removed. HSA participation would provide a very modest way in which our over 65 retirees could tax defer some of their financial resources.

Our Firefighter retirees have dedicated their lives to serving the public and planned on living out their retirement years with not having to face financial difficulties. However, health care costs for those over 65 years of age have increased dramatically over the last decade. Supplemental insurance to Medicare can cost a retired couple up to \$8,000 per year.

We strongly encourage you to work with other members of Congress and the Bush Administration to correct this discrimination against our retirees.

Again, thank you for all your support and past leadership in the HSA's. Please continue to assist us in the battle for affordable health care.

Sincerely,

WALTER C. SCHIRMER,
Executive Secretary.

MINNEAPOLIS POLICE
RELIEF ASSOCIATION,
Minneapolis, MN, June 30, 2004.

Congressman GIL GUTKNECHT,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: We are writing to you seeking your continued leadership in addressing Health Savings Accounts (HSA's). As you are well aware, in the 2003 Medicare Act, individuals over the age of 65 were excluded from participating in the newly created HSA's.

It is important that not only do the changes to the Medicare Reform Act of 2003 include participation for those over age 65 in the HSA's but the language which ties Medicare ineligibility to HSA participation must also be removed. HSA participation would provide a very modest way in which our over 65 retiree's could tax defer some of their financial resources.

Our public safety retirees put in their time and duty and had planned on living out their retirement years with not having to face financial difficulties. However, health care costs for those over 65 years of age have increased dramatically over the last decade.

Supplemental insurance to Medicare can cost a retired couple up to \$8,000 per year.

We strongly encourage you to work with other members of Congress and the Bush Administration to correct his discrimination against our retiree's.

Again, thank you for all your support and past leadership in the HSA's. Please continue to assist us in this battle for affordable health care.

Sincerely,

RICHARD M. NELSON,
Vice President.

MINNESOTA STATE
RETIREMENT SYSTEM,
Saint Paul, MN, July 26, 2004.

Congressman GIL GUTKNECHT,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: I want to thank you for your leadership in establishing Health Savings Accounts for those under age 65. I strongly encourage you to support similar accounts that would be valuable for retirees age 65 and over.

As you know, rising health care costs and prescription drug costs have made it difficult, if not impossible, for many people to afford adequate health care coverage. Health Savings Accounts would provide a modest and extremely effective way to help pay for these costs.

On behalf of the 50,000 state employees and 23,000 benefit recipients covered by the Minnesota State Retirement System (MSRS), I encourage you to work with members of Congress and the Bush Administration to provide Health Savings Accounts to all retirees.

Again, thank you for your support and leadership on this and your attempts to lower prescription drug costs.

Sincerely,

DAVID BERGSTROM,
Executive Director.

PUBLIC EMPLOYEES RETIREMENT
ASSOCIATION OF MINNESOTA,
Saint Paul, MN, July 20, 2004.

Hon. GIL GUTKNECHT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: The Public Employees Retirement Association (PERA) of Minnesota is seeking your continued leadership in addressing the issues associated with the Healthcare Savings Accounts (HSA). As you are well aware, with the enactment of the 2003 Medicare Act, individuals over the age of 65 were not included for participation in the newly created accounts.

Important to our participants—150,000 of whom are currently working local government employees and about 60,000 of whom receive monthly benefits from PERA—is ensuring not only a change in the Medicare Reform Act of 2003 to include the availability of the HSA to individuals over the age of 65, but also removing the language which ties Medicare ineligibility to HSA participation. HSA participation would provide a very modest way in which our over-age-65 retirees could defer taxes on some of their financial resources.

Our public safety retirees typically retire earlier than other public employees due to the physical and emotional stresses associated with their positions. Due to the earlier retirement, many begin paying their health insurance at younger ages, hoping to live out their retirement years without having to face financial difficulties. The HSA will help these early retirees until age 65, but as you know health care costs for those over the age of 65 are rising at a significant rate. Supplemental insurance to Medicare can cost a retired couple up to \$8,000 a year. Losing the

availability of the HSA at age 65 will prove ever more burdensome to individuals on limited retirement incomes.

We strongly encourage you to work with other members of Congress and the Bush Administration to advance legislation that is fair to retirees of all ages.

Again, thank you for all of your support and the leadership you have demonstrated in enacting the HSA legislation thus far. We look forward to your continuing assistance in this battle for affordable health care.

Sincerely,

MARY MOST VANEK,
PERA Executive Director.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I rise in opposition to this amendment.

First of all, this concern was already addressed in this plan design. The gentleman from the District of Columbia (Ms. NORTON) says this is going to have a huge adverse selection, that all of the wealthy and all of the healthy Federal employees are going to run to these health savings accounts, and we are going to have a death spiral in the Federal employee health benefits situation.

Number one, all of the data that is coming out that is bearing fruit from the imposition of HSAs are proving that to be untrue. What we are finding out is the opposite is happening. Older folks and people with more health risk profiles are those who are buying health insurance.

Mr. Chairman, 42 percent of the people who have bought HSAs this year, according to eHealthInsurance, are people who did not have insurance.

□ 1630

Fifty-six percent of the people who bought HSAs are people over the age of 40 years old. We are finding that this is a good tool for people who are the very people who are vulnerable in our system. But more importantly, just in case there was concern that there was any legitimacy to this claim, the folks at OPM devised this system so that the premiums are basically the same as any other premium, so that they do not have a big, tiered premium, so that they have a huge discount on these higher deductible HSA plans versus other traditional plans within the Federal Employee Health Benefit Plan, so they will not have that drain.

But more importantly, what this amendment does is it denies Federal employees choices. It takes one product that they now have as a choice, an option, and say they have got to take it or leave it for 3 years; for 3 years this is all they can have. They cannot participate in open season like they always could, like the other people in the Federal Employee Health Benefit Plan, but it does not apply these limits to the rest of the programs.

So we are saying to all these Federal employees we have this new option, a choice, with premiums very similar to all the other options and choices. They can have it, but they have got to take

it for 3 years. That is denying flexibility and choice that we have come to enjoy and appreciate in the Federal Employee Health Benefit Plan.

I urge rejection of this amendment. Adverse selection is not occurring with these products.

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

Mr. Chairman, when we want fair competition, we try to make an equal playing field. If they have a horse race, they try to make sure that each horse is carrying the same burden. They weigh the jockey, they weigh the saddle, they wear the gear; and if they are not the same, they add extra weight to some people so that they are all carrying the same burden.

The gentleman from the District of Columbia's (Ms. NORTON) amendment wants to make sure that one type of health care plan does not have fair competition. They say to them, you carry an extra couple of hundred pounds. That is not right. If we want people to have a fair choice and to determine what plan is right for them and their family, they should be able to choose it.

I ask people to reject the amendment.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this debate is about freedom.

Participants in the Federal Employee Health Benefit Program are armed with the ability to leave any given plan at the end of the year if they aren't satisfied with the care, customer service or cost of their coverage.

And that choice is what creates the incentive for health plans to offer good plans.

Ms. NORTON's amendment would bind employees who choose high-deductible plans to a three-year commitment, for fear of something called "adverse selection."

And you know what, that's a valid concern.

But it is a concern that has already been addressed by the Office of Personnel and Management—the folks who run our F.E.H.B.P.

The O.P.M. has vowed to keep premiums for standard plans and high-deductible plans very close to each other—maybe the difference of a dollar or two.

So employees will not be choosing HSA's because of their lower premium.

And as long as that's the case, there is no need to lock them into a three-year contract.

That completely undermines the foundation of the program: Choice!!

Last week we debated whether Federal employees deserve the option of HSA's and the House vote said that they do—let's give them that option without any strings attached—I urge a no vote.

The CHAIRMAN pro tempore (Mr. THORBERRY). The question is on the amendment offered by the gentleman from the District of Columbia (Ms. NORTON).

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

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered

by the gentlewoman from the District of Columbia (Ms. NORTON) will be postponed.

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

Mr. Chairman, the President's request for the Treasury Department in this year's budget included a \$400 million increase focused on initiatives in the Tax Law Enforcement Bureau. The budget we have before us today cuts nearly three quarters of the President's requested initiative. That, of course, is a prerogative of this Congress, but I think we should examine carefully the inevitable result of making such a deep cut from the President's budget request.

Commissioner Everson of the IRS, in sworn testimony, pointed out that the tax gap, which is defined as the difference between total taxes owed to the Treasury under the provisions of law and what is actually paid into the national Treasury by all filers, both individual and corporate, the tax gap has grown to a minimum of \$250 billion each and every year. Now, \$250 billion unpaid each year in taxes represents a major part of the yearly deficit which we are accruing and passing off to be paid by our children.

The Commissioner went even further, pointing out that the \$250 billion estimate came from studies which from several years ago is almost certainly low and is probably \$300 billion per year now. As large as that \$250 billion or \$350 billion yearly tax gap is, and we have to understand that \$1 out of roughly \$7 owed in taxes under the law is not paid by those who do not file, who underreport or otherwise evade the legal payment of the taxes owed, the most startling part of Commissioner Everson's testimony under oath, again I say, was his statement that the percentage of Americans who think it is okay to cheat on their taxes has increased from 11 percent to 17 percent in just a few years.

Commissioner Everson stated that two thirds of the new enforcement dollars requested would be devoted to "attacking abuses by high-income taxpayers and corporations and increasing criminal investigations."

Under further questioning, he stated that each dollar expended on added enforcement personnel would yield on average a direct \$6 increase in payment of tax owed, but the added enforcement activity would begin to reverse the trend toward a higher percentage of people not paying the taxes owed under the law and in that way be able to reduce the tax gap dramatically.

Mr. Chairman, ours is a tax system that rightly depends largely on voluntary compliance. When a tax gap rose to the point where \$1 out of every \$7 owed under the law is evaded by non-filing or systematic underreporting of income or use of illegal tax schemes and shelters, then the vast majority of

honest taxpayers pay in taxes what they owe under the law. The vast majority of honest taxpayers are paying 15 percent higher in taxes than they owe while another group pays none or less than they owe under the law. Such obvious unfairness in the system breeds cynicism and contempt broadly among the citizenry, and we should not in this House be complicit in that unfairness.

Mr. Chairman, at this time I had intended to offer an amendment to add \$286 million to the tax law enforcement account under the Treasury Department, thereby restoring full funding to the President's request for tax law enforcement in the Treasury Department. But given that this House has already stripped \$41 billion from this legislation, including Federal highway grants to States, airport improvement grants to local communities, essential air service grants for rural airports, transit formula grants for States and funding in major capital investment projects, and highway traffic safety grants to the States, this is not the day to offer such a commonsense amendment.

AMENDMENT OFFERED BY MR. STENHOLM

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STENHOLM:

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

SEC. ____ . None of the funds appropriated by this Act may be used by the Secretary of the Treasury to implement, pursuant to sections 8348(j)(1) and 8348(l)(2) of title 5, United States Code, any suspension of issuance of obligations of the United States for purchase by the Civil Service Retirement and Disability Fund, to implement, pursuant to sections 8438(g)(1) and 8438(h)(2) of such title, any suspension of issuance of obligations of the United States for purchase by the Thrift Savings Fund for the Government Securities Investment Fund, or to implement, pursuant to section 8348(k)(1) of such title, any sale or redemption of securities, obligations, or other invested assets of the Civil Service Retirement and Disability Fund before maturity.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman this is a very simple amendment to restore a little bit of accountability and honesty around here about our fiscal policies. My amendment would prohibit the Secretary of the Treasury from dipping into retirement trust funds in order to circumvent the statutory debt limit.

The effect of my amendment would be to force Congress to take responsibility for the increase in the national

debt by approving an increase in the debt limit before adjourning in October instead of deferring action until a lame duck session. There would be no risk of default if Congress met its responsibility to approve an increase in the debt limit before we adjourn for the election. The Treasury Department has repeatedly warned Congress that we are approaching the debt limit and need to increase it above its current level of 7.384 trillion.

Just 3 years ago, the administration stated that we would not need to raise the debt limit for 7 years and actually warned that we were in danger of paying off our debt too quickly. After 3 years of our current economic policies, projected surpluses have turned into record deficits; and we are being asked to increase the debt limit for the third time in 3 years to more than \$8 trillion. But instead of taking responsibility to pay for the debt that we have run up as a result of our policies, the Republican leadership is relying on the Treasury Department to protect them from having to take this vote before the election by dipping into retirement trust funds to avoid breaching the statutory debt limit until mid-November.

When Treasury Secretary Rubin took these extraordinary actions as a last resort to avoid an imminent default during a crisis, he was loudly criticized by Republican leaders in Congress. The Republican majority in Congress passed legislation which would have taken these tools away from him, and some Republicans in Congress called for his impeachment. Today, instead of criticizing the Treasury Department for planning to dip into retirement trust funds, Republican leaders are actively encouraging the Treasury Department to take these same steps as a routine action used for political convenience.

It would be irresponsible to take funds from retirement trust funds simply to avoid a discussion of the fiscal problems highlighted by the need to increase the debt limit. Instead of honestly facing up to our ballooning national debt, the leadership of this body is talking about bringing up legislation this week that would add another \$130 billion to that debt.

We should not pay for tax cuts by borrowing money against our children's future. Congress should be required to sit down and figure out how to make things fit within a budget just like families across the country do every day. I would say to my Republican colleagues that if they honestly believe that tax cuts with borrowed money is good economic policy, if they believe that deficits do not matter, they should be willing to stand up and vote openly and honestly on this floor to increase the credit card limit for our country to make room for those cuts.

There would be no need for these maneuvers to avoid a vote on the debt limit if the leadership were willing to work with us to stop the increase in deficit spending. The Blue Dog Demo-

crats will gladly supply bipartisan support for an increase in the debt limit if it is accompanied by meaningful budget enforcement provisions, including the pay-as-you-go rules that were instrumental in turning budget deficits into surpluses in the 1990s. But we will not vote to approve a blank check that will allow the Government to continue runaway deficit spending.

If my colleagues on the other side of the aisle want to continue with our current economic policies that have us on a path of running up more than \$10 trillion in debt, it will be up to them to provide the votes. We will work with them if they will work with us.

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

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

Mr. Chairman, I certainly appreciate the good intentions of the gentleman from Texas. He and I both share a great concern about the national debt, about the challenges of having a budget that is not balanced as it should be in normal times, certainly in peacetime. However, this particular amendment does have problems.

The amendment is not necessary to make sure that we have protection for existing trust funds. And I want to refer to some papers we have been provided by the Treasury Department, and I will recite from those for Social Security.

For the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, i.e., the Social Security trust funds, that are specified in the proposed amendment, there is existing law, namely title 42 of the U.S. Code, section 1320b-15, that already prohibits any officer or employee of the United States from delaying the deposit of any amount into, or delaying the credit of any amount to, any such trust fund or otherwise varying from the normal terms, procedures, or timing for making such deposits or credits.

That existing law also prohibits them from refraining from the investment in public debt obligations of amounts in any such trust fund or from redeeming prior to maturity amounts in any such trust fund which are invested in public debt obligations for any purpose other than the payment of benefits or administrative expenses from any such trust fund. We do not need the gentleman's amendment to protect the Social Security trust fund.

Secondly, again, proceeding with the information from the Treasury Department for another trust fund, for the Civil Service Retirement and Disability Fund and the Government Securities Investment Fund, existing law, namely title 5 of the U.S. Code, section 8348(j)(3) and (4) and title 5 of the U.S. Code, section 8438(g)(3) and (4), these already require Treasury at the end of a debt limit impasse to restore those trust funds to the financial position

they would have been in if Treasury exercises the authorities given by Congress to suspend investment or make early redemptions of investments of the CSRDF or of the G fund.

□ 1645

Then for the Department of Defense Military Retirement Fund, the Unemployment Trust Fund, the Department of Defense Education Benefits Fund, the Post-Vietnam Era Veterans Education Fund and the Black Lung Disability Trust Funds, which are specified in the proposed amendment, there is no history that Treasury has ever delayed deposits into or has ever suspended investment or redemption of investments early in those trust funds during debt limit impasses.

The amendment is not necessary to safeguard trust funds. It is not necessary to handcuff the Treasury Department in the management of the national debt. It is necessary that we take steps to control Federal spending and to move toward balancing the Federal budget. But this amendment is not necessary.

I thought it important that someone stands up and recite this information from the Treasury Department to make that case of the lack of a need for this particular amendment.

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

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute to respond to the chairman.

I will say that everything he has said is 100 percent the truth. We did not mention Social Security. I deliberately did not mention Social Security because that is not the issue here. Everything the gentleman said in the letter from the Treasury is the truth. That is not the point of our amendment.

The point of our amendment is to have an up or down vote by this body to assume the responsibility, rather than allow, under the law, the Secretary of the Treasury to manipulate the funds in a legal way to avoid having a vote on this floor prior to November 2, to have an assumption of the responsibility of the fiscal matters of this country. That is all I am asking.

The chairman is exactly right: We do not need this. If he would assure me that we will have a vote, and since both of us agree on a balanced budget constitutional amendment, this is helpful to those of us like you and I, Mr. Chairman, that want to bring fiscal accountability. That is all we are asking. Let us not confuse this issue with anything other than a clear, plain, up and down vote of expression.

I have already offered on behalf of a substantial number of Democrats to support an up or down vote, if you will put some budget enforcing accountability back into our process.

Mr. ISTOOK. Mr. Chairman, I reserve the balance of my time in order to close.

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

Mr. HOYER. Mr. Chairman, I thank the gentleman for offering this amendment. I thank him for his extraordinary leadership on the issue of fiscal responsibility in this country.

My presumption is that every conservative in the House of Representatives will vote for this. The President talked about who is conservative and who is liberal. It is conservative to be fiscally responsible.

Like the gentleman from Texas, I have supported a constitutional amendment for a balanced budget. I am for investing in programs that I think help America, but I am for spending money that we have, and I am not for spending money that we do not have.

Quite simply, his amendment would force our Republican friends to come to grips with their irresponsible fiscal policies. They talk about balancing the budget, but they have not had a bill vetoed by this President that spent more money than we had, period; not one, not ever. And they are going to spend all of Social Security funds, they are going to spend all of the money that they borrow.

Just two months after taking office, President Bush promised the American people, "We will pay off \$2 trillion of debt over the next decade." He explained, quoting again, "Future generations should not be forced to pay back money that we have borrowed."

Amen, Mr. President. Why do you not practice what you preach?

Well, Mr. Chairman, the President and Congressional Republicans have run rough-shod over that rhetoric. They did not pay down the debt in 2002; they increased the debt limit by \$450 billion. They did not pay down the debt in 2003; they increased the debt limit without a straight up or down vote, which they always demanded when they were in the minority, they increased it by \$984 billion.

When I came to Congress, the entire debt from 1789 to 1981 was \$985 billion, just \$1 billion more than we raised it last year alone. Now the Treasury Secretary is back for more. He warns that the national debt will exceed the statutory debt limit, now \$7.384 trillion, later this month or in October. As a result, our Republican friends desperately want the Treasury Department to temporarily dip into the retirement funds of Federal employees to avoid breaching the debt limit, for which they wanted to impeach Bob Rubin. What short memories they have.

Very simply, Mr. Chairman, the Stenholm amendment would prohibit the Secretary from doing that.

Mr. Chairman, the Republican party can run, but it cannot hide, from the debt disaster that its economic policies have caused. None of us will allow the United States to default on its obligations; none of us. But let us show some courage. If the debt limit must be increased, we should vote on it in the open, up or down.

I urge my colleagues to vote for the Stenholm amendment.

Mr. STENHOLM. Mr. Chairman, who has the right to close?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Oklahoma (Mr. ISTOOK) has the right to close.

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

The CHAIRMAN pro tempore. The gentleman is recognized for 2½ minutes.

Mr. STENHOLM. Mr. Chairman, I hope everyone caught the significance of the exchange between the chairman and me, because I am not disagreeing with anything that he offered in opposition to this amendment, because what he said is 100 percent true. I hope everyone in this body understands the significance of this side offering the hand of bipartisanship to pass an increase in the debt ceiling, which we must do. If we did not do that, our Nation would default on our good credit, and that is intolerable, unthinkable.

The purpose of this amendment, though, is to try once again to get my friends on that side of the aisle to accept the responsibility for the economic policy that they have voted and revoted and voted and continue to do, and that is building the debt for our children and grandchildren at a rate unseen in our history of our country.

It took us 204 years to borrow the first \$1 trillion. We are about to borrow \$19 trillion in a year-and-a-half, and my friends on that side do not seem to care.

We are offering to put back pay-as-you-go for spending and tax cuts to be paid for. It does not mean we cannot cut taxes. In fact, I support repeal of the marriage tax penalty, I support doing the child tax credit. I would like to see it. But I want to see it paid for, not passed on to my three grandsons in debt because it is good politics right before an election.

We are offering sincerely to offer some votes. Bring it up and vote on it. Do not force the Treasury to go through the mechanizations that they will go through just to avoid voting on this prior to November 2.

Mr. Chairman, we are sending alerts, the Blue Dogs, in which we will put in writing our willingness to work with you on doing this, because it is the responsible thing for us to do. But we also think it is responsible for this body in a bipartisan way to begin to actually do something about the deficit, other than talk about it and increase it, as we will do later this week, by another \$130 billion, unpaid for.

Our grandchildren do not have a vote. That is why it is so easy for us to say here today we can fight two wars, we can fund homeland security, we can fight the war on terrorism, we can do all of these things, but we are going to send the bill to our grandchildren. We are not willing to pay for it, any of it, today. In fact, even worse, we are willing to decrease the amount of money available to do all of these things.

Mr. Chairman, I ask for an aye vote on this, because it is the responsible thing for this body to do.

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

Mr. Chairman, the gentleman from Texas and I are in agreement on a great many things, and I appreciate his pointing that out. I think we both also recognize that the gentleman's intent is to try to force a vote on what is called the statutory debt ceiling and to force a vote before the elections.

Well, we all know that this fiscal year expires September 30. I think it is common knowledge in this town also that with the possible exception of the homeland security appropriation, this current appropriations bill and the other appropriations bills will not be completed before the fiscal year expires September 30. We do not expect most likely those bills will be completed before the election.

Whatever is in this bill is not going to be law by that time. Any instructions to Treasury or anybody else in this bill will not be in law by that time. So we are not accomplishing anything.

But we also should not mistake a vote on the statutory debt ceiling for the votes that actually create the debts of the United States, the spending bills. People argue about the tax cut bills, and I will certainly tell you the tax cuts have done a great deal to stimulate the economy, not only to help people keep more of what they earn, but actually to increase the revenues of the Federal Government by increasing economic activity. We can have that debate another time and place. That is not my point. My point is we are not accomplishing anything in this particular amendment.

Each administration, Republican and Democratic administrations, have had to deal with the challenge of the statutory debt ceiling being set to expire at a certain time or be exceeded. Treasury Secretaries have had to do what they could to make sure the crisis was not created, to make sure that we averted any problems and that the full faith and credit of the United States never lapsed behind our obligations.

That is going to happen again. Those obligations are not going to lapse. But let us not mistake votes upon a statutory debt ceiling for the votes that actually create the debt, which is talking about the level of spending. Let us remember that we have the opportunity, which I expect we will have in the next couple of weeks, to vote on a balanced budget requirement to make sure that in normal times, when we are at peace, in normal times we do have a balanced budget. That will force discipline. That will force controversial votes on this floor. It will require us to exercise self-discipline, to accept our responsibility.

Mr. Chairman, this amendment is not necessary.

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

The CHAIRMAN pro tempore. The question is on the amendment offered

by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DAVIS OF FLORIDA

Mr. DAVIS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DAVIS of Florida:

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

SEC. ____ (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.560 or 515.561 of title 31, Code of Federal Regulations (relating to travel-related transactions incident to travel to Cuba and visiting relatives in Cuba), as published in the Federal Register on June 16, 2004.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Florida (Mr. DAVIS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise to offer an amendment to repeal the administration's recently enacted rule restricting family travel to Cuba.

Today, as the Cuban people are struggling to recover from the devastation of Hurricanes Charlie and Ivan, the Department of Treasury is prohibiting Cuban Americans from visiting Cuba to help their own family members abroad.

On June 30 of this year, the Department of Treasury implemented new restrictions on family travel to Cuba. Cuban Americans are now limited to one 14-day visit with their Cuban relatives every 3 years. Let me say that again. Cuban Americans are now limited to one 14-day visit with their Cuban relatives every 3 years.

This administration has also attempted to redefine the definition of the Cuban family. Cuban Americans are no longer permitted to visit their aunts, uncles or cousins in Cuba.

My amendment would prohibit funds in this bill from being used to implement, administer or enforce these changes made to family travel. A vote in favor of my amendment is a vote to reinstate the previous policy, which allowed Cuban Americans one trip per year under a general license, allowed for additional emergency visits under a specific license, and kept uncles, aunts and cousins where they belong, as part of the family.

Mr. Chairman, let me be clear: This amendment deals exclusively with keeping families together and would not permit unfettered travel. I have seen with my own eyes the cruelty of the Castro regime and have consist-

ently voted against allowing tourist travel to Cuba, because I believe the United States should not unilaterally allow Castro to reap these profits.

□ 1700

But the United States should also not be in the business of separating families. This new family travel rule undermines families, punishes Cubans on both sides of the Florida straits, and has minimal effect on the government of Cuba.

The Cuban people are talented and ambitious, but under Castro's oppressive rule, they are left with little hope. For many, their only lifeline is the emotional and financial support they receive from relatives in America.

Mr. Chairman, I have spoken with numerous Cuban-Americans in my community, the Tampa Bay area and across Florida who are heartbroken by these regulations. Rufino Blanco, a Korean War veteran from my hometown, had planned to celebrate his 75th birthday with his many first and second cousins in Cuba this summer. When this rule was enacted, he had to cancel his trip. If this rule stays in place, he will probably never see his relatives again.

Last year, Ignacio and Gloria Menendez of Miami traveled to Cuba to help their daughter recover from an emergency surgery. They had already visited Cuba once that year, so they had to apply for a specific license to make the emergency trip. Under the administration's new rule, their daughter would have to fend for herself, because the Menendezes will not be able to see their daughter again for 3 years.

In fact, a Deputy Assistant Secretary at the U.S. State Department summed up the outrageous insensitivity of this rule when he was quoted by Reuters as saying, "An individual can decide when they want to travel once every 3 years, and the decision is up to them. So if they have a dying relative, they have to figure out when they want to travel." How outrageous.

I share the disgust of Simon Rose, whose Cuban-American wife can now only visit her mother once every 3 years. He says these regulations are "a perversion to the family values I grew up with." And then, most recently, we learned about U.S. Army Specialist and Medic Carlos Lazos who my colleague, the gentleman from Massachusetts (Mr. DELAHUNT) will talk about.

Mr. Chairman, in closing, this chamber is constantly celebrating and supporting America's families. We have passed marriage penalty relief and child tax credits. But these sweeping changes on family travel to Cuba were enacted without so much as one hearing in Congress.

Today, we have an opportunity to right this wrong. We have the opportunity to support families who may be divided in geography but not in flesh and blood and certainly not in heart.

Hurricane Charley caused 5 deaths and at least \$1 billion in damage in Cuba. It damaged more than 70,000 homes and flattened hundreds of acres of crops. We are still just starting to gather the statistics on the damage caused by Ivan.

How can Congress stand in the way of Cuban-Americans who so desperately want to go to Cuba to help their own flesh and blood, their relatives in the aftermath of this destruction? How can we strip the Cuban people of this support when they have such little hope to cling to?

Mr. Chairman, this body may be divided on whether the United States should allow travel to Cuba for tourism and business reasons, but I hope today we can unite in support of families. I urge my colleagues to set politics aside and vote in favor of this amendment.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) will control 30 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

The President of the United States put a tremendous amount of thought into how to best accelerate a democratic transition in Cuba. The tyranny there, the dictatorship has oppressed the people of that enslaved island for 45 long years. And President Bush has a very strong commitment to do everything possible to accelerate what we know is inevitable, because there is a consensus of opposition within Cuba to, obviously, oppression and dictatorship, but the tyrant has a tremendous amount of personal power based on the fact that he rules with fear, through fear. And President Bush put a tremendous amount of thought into and issued a policy, really the first comprehensive policy on Cuba by the United States in over 40 years, in this 400-page document that he issued and ordered through Executive order, and then implemented its recommendations just a few months ago.

Now, it is a very serious, well-thought-through policy, with various key components. One is to increase the effectiveness of broadcasts, radio and television broadcasts, into Cuba by Radio and Television Martiniq, to break through the jamming, the embargo, if you will, that Castro maintains on information to the Cuban people. President Bush has even gone so far as to order military aircraft to be used, C-130 aircraft to be used to broadcast television and radio. The jamming is being broken through, and news and information on an increased basis are getting to the Cuban people. That is one element of the President's comprehensive new policy.

The second one is to facilitate increased assistance to the internal pro-

democracy movement. Key steps, important steps are being taken in that regard. The head of the United States interests section in Cuba, an extraordinary career diplomat, Jim Cassin, Ambassador Jim Cassin, is doing a great job working with the internal opposition. That also is a serious aspect of the President's new policy.

And the third aspect of the President's policy with regard to accelerating the democratic transition is to reduce the currency that the regime obtains.

Now, what is the objective of our policy, the reason that we have as part of our policy sanctions on the dictatorship in Cuba? It is a three-step goal. Three steps are required for normalization, for the end of the embargo, for aid and assistance: the liberation of all political prisoners, without exception, men and women who are rotting in the totalitarian gulag today, simply because they dream of freedom for their country; the legalization of all political parties, labor unions and the press; free speech, as President Bush likes to refer to that aspect of the goal of U.S. policy, freedom for the prisoners, free speech, and the scheduling of free elections.

Now, that, Mr. Chairman, in a country that for 45 years has been ruled by a totalitarian tyrant who offers to this day harbor, safe harbor, to hundreds of international terrorists as well as countless fugitives from U.S. justice, cop killers, hijackers, drug dealers; a dictator who has engaged aggressively in espionage against the United States, as the FBI will confirm to any Member of this chamber; a regime that has the head of its air force at this time, at this very time, indicted in the United States for murder of unarmed American citizens and the head of its Navy indicted in the United States for drug trafficking.

Now, with regard to that aspect of the President's plan to accelerate a democratic transition that calls for steps to be taken to reduce as much as possible hard currency in the hands of the terrorist state in Cuba, terrorist regime, a reduction in Cuban-American travel to Cuba is part of an important means to getting it accomplished. The dictatorship, just this week, through one of its spokesman, admitted that 25 percent of travel to Cuba and accompanying dollars coming from the United States has been reduced in only the months since the President implemented, ordered the implementation of this new policy. The overwhelming majority, Mr. Chairman, of those affected by the regulations that reduce the amount of travel by Cuban-Americans to Cuba, the amount of those affected directly are in the districts of the gentlewoman from Florida (Ms. ROSLEHTINEN) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentleman from Florida (Mr. MENENDEZ) and myself, the Cuban-American members of the United States Congress. It is we, it is we who

are accountable in our daily lives when we go to a restaurant, a supermarket, a dry cleaner and at the polls every 2 years, we are accountable to those most affected by the new regulations.

But Cuban-Americans know, and they know very clearly, that freedom never comes free. They also know that the Cuban Adjustment Act in effect treats all Cubans who reach the shores of the United States as political asylees. They know that no other nation's citizens receive that legal treatment and, thus, that with special privileges come special responsibilities.

Political asylees, for example, cannot return to the country from which they sought asylum until the political conditions change in the country from which they sought asylum. Nevertheless, the President's policy permits that Cuban-Americans can return to Cuba, even before the political conditions change there, once every 3 years.

Now, I cannot, Mr. Chairman, I would not pretend to be more expert on the most important issues in each of my colleagues' districts than each of my colleagues. But despite the arrogance inherent in doing so, this amendment says, we know better what is good for Cuban-Americans; we know better what is best for your constituents; we know better than the Members who represent the overwhelming majority of Cuban-Americans in this Congress.

Mr. Chairman, I believe that this amendment is soaked, if you will, in arrogance, and I ask that this body reject it.

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

Mr. DAVIS of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Fort Lauderdale, Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I would, actually, in a sense, not dialogue but mention several things in response to my good friend and one of my closest friends in this chamber, the last speaker, that I do not have the good fortune of having been born a Cuban-American, but having represented the district closest to Cuba for 10 years and having over 200,000 Hispanics, tens of thousands, if not more, Cuban-Americans in my district and having just completed a statewide run where at least all democratic Cuban-Americans had the opportunity to vote for or against me, I think I have a feel for Cuban-Americans and their perspective.

But beyond that, I think that, as my good friend also knows, that for over 20 years, I have stood side-by-side with him in doing everything humanly possible to fight the dictatorship. And I think what needs to be clear on this particular issue and this particular amendment today, that this is not the travel ban issue, this is not the embargo issue, where I have stood side-by-side for the last 12 years with my good friend and colleague, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) in fighting, successfully,

against many of those who today might be joining me in this amendment with the gentleman from Florida (Mr. DAVIS).

Again, let me just be clear for my colleagues and my friends who are listening, that I have fought for 12 years in this House and for 10 years prior to that as an elected official in the State legislature with my friend and colleague in the State legislature, when we could deal with issues to support freedom in Cuba and for the Cuban people.

But this is a very, very specific and a very narrow issue that I think, in fact, goes against everything that we have fought together for, for over 20 years, and it is a very, very, very specific issue. This is not repealing the travel ban. I would be standing here and rigorously fighting if that proposal were here, as often as I have for 10 years, and would be speaking against it and lobbying against it and working against it rigorously, but that is not what this proposal is about.

This is a very specific proposal that deals with very specific things, only family members and changing the rule today that does not let, or until the President implemented the rule, that does not allow free travel, does not allow free access, does not allow free flow of capital to the dictator. Even that restriction was limited, limited to once a year, limited to emergency situations, true emergency situations, not made-up emergency situations, not going to a dance or graduation, but true emergency situations that have been elaborated on and mentioned earlier today. So there were several restrictions even.

I would say to my colleagues that if we actually look at this in terms of capital to the dictator, I mean these are people who are staying with relatives. This is not staying at five-star or tourist hotels. Let us think about what this actually is. It was a mistake. This policy is a mistake. It was a mistake. It was not a thought-through policy in the specifics in terms of the implementation.

□ 1715

I urge all of my colleagues, Democrats and Republicans, supporters of the embargo, opponents of the embargo, supporters of the trade ban, opponents of the trade ban to join in the support of this amendment which is narrowly drawn, very specific, to just deal with a very, very humane issue that deals with not taking a stand on what is the best policy, but on the narrow issue, which is a human issue. I can tell you that not only for the Cuban Americans that I have talked to, but for all Americans, this is a position that has close to universal support throughout this country and throughout the State of Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

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

Mr. Chairman, he will take the money. He will take the money. There is no such thing as industry in Cuba or family income or tourism or any other economic term that we understand in this country. The only word that describes the economic policy of Fidel Castro's terrorist regime in Cuba is theft.

Every dime that finds its way into Cuba first finds its way into Fidel Castro's bloodthirsty hands. Every dollar of trade with his country is a dollar of trade with his regime, that vile confederation of sycophant contract-killers that he calls a government. That government exists for one purpose, the oppression of the many for the enrichment of one.

If we lift the trade embargo or the travel ban, and American capital flows into Havana Harbor, he will take the money. American consumers will get their fine cigars and their cheap sugar but at the cost of their national honor.

We will tell four decades of Cuban dissidents, dead or alive, in prison or in exile, that their cause was never quite worth fighting for, that freedom is just another commodity to be auctioned off to the highest bidder.

We will tell both our allies and our enemies that America's moral courage has an expiration date. And we will give credence to the great communist lie that all history is economic. We cannot and we must not say any such thing, Mr. Chairman.

Fidel Castro is a terrorist, a murderer and a thief. He funds and otherwise supports international terrorism and the downfall of American democracy.

He mercilessly oppresses dissent in his country, with the help of a secret police that has been responsible for the murder of more than 100,000 Cubans since he took power in 1959. He is not a leader but a Mafia don, greedy, corrupt and evil.

We are not blind. We know commerce with Cuba means commerce with Castro which means more bullets, more machine guns and torture chambers to satisfy his lust for power. Lifting the embargo and opening American tourism and even this amendment to Castro's prison-island would represent a surrender to evil and provide a successful playbook for every terrorist on Earth. It cannot be done.

History is not all economic, Mr. Chairman. Generations hence will not judge us by our wealth but by our courage. History, true history, Mr. Chairman, is not economic. It is moral. That is the standard by which we will be judged and the standard we should apply in this vote today on these amendments.

I urge all my colleagues to stand with free men the world over and vote no on these amendments.

Mr. DAVIS of Florida. Mr. Chairman, I yield 6½ minutes to the distinguished gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, today we have a very simple choice before us. While it implicates the United States' policy regarding Cuba, at a very fundamental level it is about more, much more than the United States and Cuba. It is about values. Family values.

We hear a lot about family values in this Chamber, about the sanctity of the family and the need to protect and strengthen family ties. Well, today the Davis amendment provides us an opportunity to match that rhetoric with action.

It is a test. It is a test for all of us. It is a test to measure the sincerity and the quality of our commitment to family values. In June, as has been indicated, the White House announced new restrictions on family travel which some have suggested would undermine the Cuban government; but I would submit that it is not going to hurt Fidel Castro. No, no. They will not overthrow him, but they will certainly punish families on both sides of the Florida Straits, in Cuba, and in the United States, because until now, Cuban Americans could travel to Cuba to visit family every year, every single year, bringing assistance to their families to help them survive. Well, not any more.

Now Cuban Americans can only visit the islands once every 3 years and they are allowed to travel even on that one occasion if they get permission from the travel police over there somewhere in the Treasury Department. By the way, they can now only visit certain members of the family. They cannot visit aunts and uncles, nieces and nephews. They do not count anymore. And note well, there are no humanitarian exceptions.

The author of this amendment quoted one of the individuals who was instrumental in crafting this anti-family policy. Deputy Assistant Secretary of State Dan Fisk, and I think it is worthy of repetition. These are his words: "An individual can decide when they want to travel once every 3 years and the decision is up to them." I guess this is freedom of choice. "So if they have a dying relative, they have to figure out when they want to travel."

I ask my colleagues to pause and think about that for a moment. If your mother and father are both ill and dying and they should die within 3 years of each other, you have to make the decision which funeral you are going to attend. Let me suggest that is anti-family. Let me suggest it is immoral. Let me suggest that it is not what America is all about.

Now, some who support this new anti-family policy argue that allow family travel will somehow promote Cuban terrorism. Let us see, family reunification abets terrorism. That is just simply absurd, Mr. Chairman. That is just simply absurd.

I would urge the opponents of this amendment to meet Carlos Lazo, a blow-up of Mr. Lazo is to my right, and

tell him he is abetting terrorism. He is a Cuban American who escaped from Cuba some 12 years ago on a raft. Now he is a medic in the National Guard serving in Iraq. When he was home on leave, he could not visit Cuba to see his two sons that are now teenagers. And now he is back in Iraq. Hopefully he will see his sons again. But let us remember that that is a hope because every day he risks his life for his adopted country.

Opponents of this amendment would insinuate that this American hero is abetting terrorism? Come on. That is offensive. Let us be clear, this new policy translates an already-failed policy, because Castro has been there for 45 years, into one that is cruel and heartless, anti-family and anti-American, while today the amendment by the gentleman from Florida (Mr. DAVIS) provides a test for those who speak to family values.

I urge my colleagues to support the Davis amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I am always intrigued when I hear about how the United States and measures that the United States can take to help liberate people who are oppressed is anti-family. I am also very intrigued when I do not hear that the cause of all of the problems that the Cuban people suffer from, it is only one individual and his regime, the Castro regime, the anti-American, terrorist regime.

What is pro-family is helping the Cuban people liberate themselves from that regime. What is anti-family is a regime that has destroyed family, a whole Nation, a whole people. So measures that help that anti-family, pro-terrorist regime, measures that help that regime cannot be called pro-family. They are an anti-American terrorist regime.

I am also frankly rather amused when I see letters. Last year I quoted a letter from a Member of Congress on this floor who just spoke right now, about his concern for Cuban Americans. You see, because let us keep that in mind, this amendment only affects Cuban Americans. That is it. Nobody else. And then this amendment, I guess as we had heard before, a little while ago, claims that it knows what is right for Cuban Americans better than Cuban Americans.

We have heard that before. We have heard those similar debates on this floor year after year after year. Pretty soon we are going to hear, Some of my good friends are Cuban Americans.

Well, the reality is this: There is a bipartisan group of us here who represent a majority of the Cuban Americans. Every 2 years we run for reelection, election or reelection, and we do not have to be shown a picture of one individual or two individuals. We represent

the vast majority of Cuban Americans. We represent the vast majority of the family members of those people in Cuba. And I keep hearing about how others from other parts of the country seem to know what is right for this group of Hispanics. They know better than those Hispanics know. They know better than that minority group knows about what is best for them.

Well, the reality, Mr. Chairman, is this: I repeat, there are four of us that represent the vast majority of Cuban Americans, the only people affected by this amendment, the only people affected by this amendment. And unanimously those four Members of Congress, one happens to be a Democrat, the other ones happen to be Republicans, all agree unanimously on what is right to help the Cuban people be free, what is right for Cuban Americans in this country.

□ 1730

What is right for them is to not help the Castro regime by allowing it to get more money, to not help that anti-American terrorist regime by allowing it to get more money.

My dear friend, the gentleman from Florida (Mr. DEUTSCH), who has always been on the right side of this issue on the major parts, said today, and I just want to make sure there is no confusion, that what we are talking about here is people cannot go to Cuba and stay at the expensive hotels. Well, wait a second. They could until the new measures put in place by President Bush. Until those new measures, yes, they could.

So to my good friend, the gentleman from Florida (Mr. DEUTSCH), I think he may be a little bit confused as to what this amendment does. If this amendment were to pass then, yes, people could go and travel as many times as they wanted to stay in the most expensive hotels, by the way, all of them run and owned by the Cuban military, by that oppressive military of that anti-American terrorist regime. If this amendment passes, what my good friend, the gentleman from Florida (Mr. DEUTSCH), said that is not happening would happen and could happen.

I am amazed, Mr. Chairman, that people claim they know what is best for areas that are very far away from them and that they know what is best for certain groups, happens to be a Hispanic, large Hispanic group, that they know best. No, those Hispanics, the people that they elect are wrong. They do not know how to elect the right people, so it is up to somebody from way other parts of the country to tell those Hispanics, that minority group, what is really good for them. That is at best patronizing, and there could be some other words that could be used as well.

Mr. DAVIS of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Miami, Florida (Mr. MEEK), whose district abuts the gentleman from Florida's (Mr. MARIO DIAZ-BALART).

Mr. MEEK of Florida. Mr. Chairman, it is a pleasure to present a position on

this amendment before the House here today.

I just want to qualify the fact that I live in south Florida, and I do have some good friends that are Cuban, and I do represent many of those individuals. I must say that I voted against this very bill last year in solidarity with many of my friends who are against embargo and want to put pressure on Castro. I believe in that, but I believe that we have crossed the line now as it relates to going into family.

There was some discussion from my good friend and colleague from Miami Dade County talking about, well, folks are going to stay in hotels. Well, if a person is going to see a family member that is sick, nine times out of 10 they are going to stay with that family member.

What has happened now, we are putting on Cuban Americans, I must say Cuban Americans want to go over and visit their family members when they are sick. Now if they have an aunt that is sick, under the new Bush restriction they cannot visit an aunt or a cousin or an uncle that helped to raise them. They could very well be the last living member of their family in Cuba, but they cannot go.

Let us just say that their mother or father is terminally ill and they would like to go and consult with the doctors; they would like to go and give them moral support, spiritual support. They are going have to make a decision now, because President Bush put this restriction in 4 months prior to a major election, I guess because the polling said it was appropriate to do so, they are going to have to make a decision, are they going to visit their family members to give them that support, or are they going to the funeral. If they go to the funeral, they only have a couple of days to do that. Guess what, God forbid if another family member gets sick. Now, if we want to present democracy to families and we want to hurt Castro, then let us hurt Castro. Let us not hurt families.

I have been around Miami Dade County in South Broward for a very long time; and I will tell my colleagues this, there are a lot of people that are hurting and feeling the pain and suffering of this particular restriction. This is far beyond politics and partisanship. This is dealing with families.

I want the people that are paying attention to this debate here today to really understand, if a person has a family member that is on their death bed and they have to make the decision if they are going to be there while they are living and support them or they are going when it is time to put them down to rest, think about that and think about is America trying to present democracy to a Communist country and to Cuba.

Castro is going to turn this around by saying, they will not even allow you to see your son and your daughter for the last time because they came a year before.

This will not deter the Castro government from doing what they are doing. This will make sure that he has another tool to say how bad the United States is. I tell my colleagues, I for one want to see Castro go. I want to see his regime go, and the way to present democracy is not hurting families.

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

Mr. Chairman, I am confused. I thought that the rules of this House required Members to address the contents of the amendment under discussion. Now, the purpose of this amendment, as I understand it, is to allow families to be reunited more than once every 3 years, and yet we have heard a number of voices on the Republican side of the aisle address a very different question. I must assume that they have not read the amendment; and for any of them for whom it would help, I would be happy to read the amendment again.

But based on the comments that I have heard, for instance, from the gentleman from Texas (Mr. DELAY), according to the gospel by the gentleman from Texas (Mr. DELAY), we are supposed to oppose this amendment because Castro is a bad fellow.

Well, I find it interesting that because of our dislike for Fidel Castro, who will either eventually die or fall of his own weight, because of our dislike of Mr. Castro, this Congress is being told that we are supposed to say to a person living in the United States who wants to visit his wife or his daughter or his brother, sorry, but because we do not like Castro, we are going to take it out on you and we are not going to allow your family to see each other more than once every 3 years.

Now, the gentleman from Texas (Mr. DELAY) may think that is consistent with family values. Some of the other majority Members of this House may think that is consistent with family values. I think that is a gross perversion of politics. We are letting our political dislike for Mr. Castro impact negatively the family yearnings of individual Americans and Cubans.

To me, that is a fundamentally immoral position for our government to take, and I just have to again ask Members, before they get up on this floor on this amendment and bloviate about how much they dislike Mr. Castro, I would simply suggest they read the amendment and ask whether or not they think it is morally justified, because they dislike Mr. Castro so much, to take their dislike out on the victims of Castro, which are the families who are split up and who, unless this amendment is passed, will continue to be in a position where the politicians in Washington decide that they know better than individual family members who do not give a rip about politics and are simply trying to figure out ways to see their loved ones.

This is an incredibly disgraceful performance.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I would ask

how much time is remaining on both sides.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 13 minutes remaining. The gentleman from Florida (Mr. DAVIS) has 11½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Perhaps the distinguished gentleman who spoke previously needs to get a little bit more informed on the constituents that we represent. They do care about human rights and they do care about liberty and they do care about politics, the politics of freedom, the politics of human rights, the politics of political prisons. They do care.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I am sure they care about politics, but I am sure they do not care for the fact that some Members of this House seem to care more about politics than they do those Cuban families.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I do not know if you do.

Mr. OBEY. With all due respect, I was not referring to myself. I was referring to you.

Mr. LINCOLN DIAZ-BALART of Florida. Well, that is, I believe, uncalled for; but ultimately, what I want to make clear is that our constituents, the constituents represented in an overwhelming majority by the gentleman from Florida (Mr. MARIO DIAZ-BALART), the gentlewoman from Florida (Ms. ROS-LEHTINEN), and the gentleman from New Jersey (Mr. MENENDEZ), and myself do care about their relatives, about human rights, about the three goals of U.S. policy with regard to an island nation that has been oppressed for 45 years, the liberation of all of the political prisoners who are languishing in the gulag, their liberation of all of them without exception. Free speech, the right of free speech, labor unions and the press and political parties and the scheduling of free elections, the unshackling of the chains of the family members is of concern and care to our constituents, and that is why they, being aware that this is a comprehensive, multifaceted policy, not only are supportive of the policy but elect us who are supportive of the policy and who have to be accountable for the policy, not only every 2 years at the polls, but every day at the grocery store and the laundry and the gas station, because it is not a question, as the gentleman from Florida (Mr. MARIO DIAZ-BALART) stated before, of us putting up a photograph.

I would like to put up another photograph now, if I may, of someone who our constituents are very concerned about, and on a daily basis we fear for his life, and that is perhaps the best

known political prisoner in Cuba today, a physician. His name is Oscar Biscet, and he lives in a box. This is a replica of the box. This is a replica of the box where Dr. Biscet is being held by the tyrant.

Our constituents are continuously concerned and our prayers, as well as our thoughts, are with Dr. Biscet in that box, punishment cell it is called, where he is held because he is a believer in Gandhi and in nonviolent change as espoused by Martin Luther King. So the tyrant has him in a box.

No, no, no. The politics of oppression, the politics of denial of human rights, the politics of freedom are very much the concern of our constituents. That is why they support these policies that have been implemented by President Bush after comprehensive study in the context of a multifaceted policy, and they continue to support us not only when we go to the gas station and the laundry but at the polls every 2 years.

□ 1745

So to say that our constituents do not know, or as one gentleman just said, have no concern about these issues, is really rooted in ignorance of our constituents. Mr. Chairman, I would say to those distinguished colleagues who may be listening in by television, as I stated before, I would never pretend to be expert on what are the most critical issues in each of our constituents' districts. I would never pretend, never dare to pretend that I would be more expert than each of my colleagues on the most critical important issues in their districts.

But that is what this amendment is saying. This comprehensive policy, which has a facet of reduction of hard currency to the terrorist regime, hard currency that is utilized not only to oppress the Cuban people, but to export terror and to harbor international terrorists, that policy, we have heard today, our constituents cannot be supportive of, or so say Members who do not represent them.

So, again, without seeking to be more expert than everybody else here on their issues, on issues in every Members' district, I would simply ask for the same respect that I think everyone should show toward the most important issues in each of our districts; and, thus, rejection of what I consider an arrogant attitude, which is this amendment of "we know better what is good for your constituents." We know better; that you should have your thoughts elsewhere and not in the suffering of Dr. Biscet.

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

ANNOUNCEMENT BY THE CHAIRMAN PRO
TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Chair again reminds all Members that remarks in debate are to be directed to the Chair.

Mr. DAVIS of Florida. Mr. Chairman, I yield 15 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the issue is very simple. When someone who lives in Florida wants to go to his wife's funeral or visit a family Member who is deathly sick, the question is whose judgment should prevail, the judgment of that individual constituent or the judgment of the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

I think the answer is clear.

Mr. DAVIS of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. FLAKE).

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

To hear the debate, like the gentleman from Wisconsin (Mr. OBEY), I wonder what amendment we are debating. It seems we are debating the Flake amendment all over again. I would like to be debating the Flake amendment. I decided last week that this is not the time to do so, just because of the political environment; that it would not be given a good hearing.

It seems that is what we are debating, the full-out travel for humanitarian, tourism, et cetera, whatever; just allowing Americans the freedom to travel. I wish we were debating that. I think that is the policy we should have. But we are not. This is a very narrow debate on a very specific issue.

The only difference I would have with the comments of the gentleman from Wisconsin (Mr. OBEY) is that many Republicans share this view. In fact, I think over 60, 2 years ago, or 50 or so Republicans voted for the Flake amendment to allow all travel, to allow freedom of all people to travel, and I assume the vote will be even larger among Republicans today.

I too am struck by this amendment and what is termed arrogance. I am called arrogant, I guess, because I assume that Cuban American families ought to decide for themselves whether they should travel. That is not arrogance. It is not arrogance to assume that I do not represent all Cuban Americans. I do not represent very many. There are some in my district; some who have contacted me; some who do want to travel. I think they ought to be given that choice for themselves. It would be arrogant of me to say otherwise.

I think it would be arrogant of me to say, no, I know what is better for you. I think you should not be able to travel to your mother's funeral or that you should have to decide whether to go to your mother or your father's funeral, or that you cannot decide for yourself whether or not you should travel to see another sick relative. That is not a choice we ought to be making for everyone.

I come from a small town in northern Arizona, the town is called Snowflake, named after my great-great grandfather. There are a lot of Flakes in Snowflake, by name, not reputation. I do not represent that area, but I assume I represent a lot of the feelings coming from that group. There are a

lot of people who are not Flakes in Snowflake. I would not pretend to represent them. I would not pretend to know where they should travel or where they should not. That is not a decision I should make for them. That is a decision they should make for themselves.

So, for one Member of Congress in a different State than Florida to say he thinks that Cuban Americans in Florida or New Jersey or Indiana or Wisconsin or elsewhere should make that decision for themselves, that is not arrogance, that is simply embracing freedom and that they should have that choice by themselves; that we should not make that choice for them. That is what we are arguing today. That is what it is all about today.

A vote against this amendment puts us in the position of telling Cuban Americans that we know what is best for them, not the opposite. A vote for this amendment says that we make the choice ourselves; that we know whether it is best to travel to Cuba to visit a sick relative, to go to a mother's funeral or to not. That is what this amendment is all about.

Mr. Chairman, I urge support for it, and I commend the gentleman from Florida for bringing this forward, and I commend those who have participated in the debate. Let us just remember what it is about. This is about freedom. This is about family values. It is about allowing families to travel and to make their own decisions.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, it is amazing how history repeats itself. I was not here during the whole South Africa debates, but I heard them. During those South Africa debates, we had those who said we should do business as usual with South Africa to help the blacks in South Africa; that we should be able to do all sorts of business, and by the way, we did business with South Africa, business as usual, forever. Did it help the oppressed people under apartheid? No.

And, Mr. Chairman, when those oppressed people had an opportunity to vote, finally, after many, many years, they did not support those that wanted to do business as usual; that talked about doing business as usual. They supported those that led the efforts to sanction the apartheid regime in South Africa.

Many people on this floor, some who are still here, voted for sanctions against South Africa and yet vote to lift sanction against Cuba using the same argument. I saw just a month ago people on this floor who are against sanctioning the anti-American terrorist regime 90 miles away from the United States vote and speak for sanctions against China. It is interesting how this double standard is so prevalent.

Again, history repeats itself. Those who said we should do business as usual in South Africa to help the oppressed were wrong, and when the oppressed people had an opportunity to speak, they showed how wrong they were. Dr. Biscet and others will have an opportunity to speak, and I think there will be a lot of red faces of those that say they are doing it to help the oppressed people. We do not help the oppressed people by helping to finance the oppressor.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), a fighter for human rights who I very much admire.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in very strong opposition to the Davis amendment and the other four amendments being offered on Cuba today.

Under the current U.S. laws, we all know, travel to Cuba is allowed for 13 licensed categories. Last year, under these licenses, approximately 100,000 U.S. citizens traveled to Cuba, the vast majority of whom were family members. However, these new regulations promulgated by the administration would further refine this travel to deny at least some of the \$96 million in hard currency that has been gotten and gleaned by this rogue regime, through the manipulation of those family visits in 2003, the number from that year. Custom duties and excess baggage fees have added \$20 million more in revenue to this gross dictatorship.

To my colleagues, I want to say that I just held a hearing, along with the gentleman from California (Mr. HUNTER), on the issue of human trafficking. Cuba is a Tier III country, an egregious violator when it comes to human trafficking. Approval of this amendment would prop up a regime that not only traffics in human persons, but allows for the exploitation of young children, who are reduced to this horrible thing called child prostitution. When we allow trafficking and child prostitution for the amusement of those who travel there, many of whom bring that hard currency that is now permitted by this administration, I think we are seriously erring and making a grave mistake. We are also enabling and enabling a human rights violator.

Let me also say to my good friend and colleague who spoke a moment ago about the political prisoner, Dr. Biscet, and so many others who are subjected to unspeakable cruelty. A couple of years ago, I offered an amendment that said we will lift the travel ban if and only if the prisoners are let go. Fidel Castro has said one big no to that. And not only has he continued to incarcerate and torture hundreds of political prisoners, the best and the brightest and the bravest of Cuba, he now has arrested another 75 to 80 more and meted

out sentences of 25 to 27 years. That is unconscionable.

We do not want to directly or indirectly enable that kind of dictatorship, that kind of repressive regime. If my colleagues or myself were sitting in one of Cuba's gulags, we would hope that someone would say human rights do matter; that we are not going to provide the hard currency to prop up his regime so that his thugs can so mistreat those prisoners.

I have tried, along with the gentleman from Virginia (Mr. WOLF), to get into the prisons of Cuba and I have been denied. I can get into Cuba and meet with Fidel Castro and have a jawfest for 4 or 5 hours, as some of my colleagues have, but to get into the prisons to say these people should be allowed to go, no, we cannot do that. The ICRC, the Red Cross, has tried repeatedly to get into those prisons and has been refused.

Mr. Chairman, I urge my colleagues to vote "no" on this amendment. This is all about human rights and enabling a dictatorship. Say no to the Davis amendment.

Mr. DAVIS of Florida. Mr. Chairman, who has the right to close on the amendment?

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DAVIS) has the right to close on this amendment.

Mr. DAVIS of Florida. And how much time remains on each side, Mr. Chairman?

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DAVIS) has 7¼ minutes remaining, and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 1 minute remaining.

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

Mr. DAVIS of Florida. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

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

Mr. Chairman, I listen to this debate and I am stunned, and I find it staggering that we are flying in the face of family values, of family reunification. And because of some people's interest or disinterest or dislike or hate or whatever the range of emotions are about an individual, we really are destroying the fabric of life for Cuban Americans and their families who are in Cuba.

These regulations will disrupt the lives of thousands of Cuban Americans in the United States. It will do nothing to improve human rights. It will do nothing to improve human rights. It will do nothing to bring democracy to that island. Why are we penalizing the good people of Cuba and the people here in the United States who have family there; whose only thought is how they might be reunified with their family, especially if there is a time of need, especially if there is illness, espe-

cially if there is a death? What is wrong with us that we do not understand this; and that we only care about family values if we have people living in a democracy?

□ 1800

But for those who do not, and that could be in a lot of places all over this world, we say: Be gone; we are not interested in what your lives are about. Is that what the United States of America is all about?

Close relatives have been able to visit their families once every 12 months. These new regulations say once every 3 years and 14 days at a time. My colleagues have mentioned that the Deputy Assistant Secretary of State for the Western Hemisphere says an individual can decide when they want to travel once every 3 years, and the decision is up to them. So if they have a dying relative, they have to figure out when they want to travel. So much for compassionate conservatism.

Rules drastically limit the amount of money Cuban-Americans can bring back to their family members. Funds do not prop up the Castro regime, but they certainly do support families who at this moment are recovering from the devastation of Hurricane Ivan.

Other changes in our Cuba policy will be similarly ineffective, including preventing high school students from visiting the island, prohibiting university trips shorter than 10 weeks. And this will effect a democratic change in Cuba?

I am the daughter of immigrants, Italian immigrants. My father was born in Italy. We have relatives in Italy. He and my mom would go to the bank on a weekend, take some money out, whatever they could afford, to get it back to the family there. There was a tie between that town of Scafati, Italy, and New Haven, Connecticut, where people could come together and support their families. When there was a problem, my dad could visit or my mom could visit with him.

It does not make sense to punish families. Let us stand up for Cuban-American families. Members can be opposed to Castro, but Members cannot be opposed to the Cuban people, whether they are in Cuba or whether they are in the United States. I understand this experience. So many in this body understand that experience. Let us support this amendment of my colleague from Florida. Let us understand what family values are all about, and let us not pick and choose whose families we want to be united or reunited.

Mr. OLVER. Mr. Speaker, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. THORBERRY). The Chair would advise the gentleman from Massachusetts (Mr. OLVER) that since the gentleman from Wisconsin (Mr. OBEY) has struck the last word during this amendment, that can only be by unanimous consent. The gentleman may ask unanimous consent to strike the requisite number of words.

Mr. OLVER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. OLVER. Mr. Chairman, early in this debate, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) who controls the time in opposition to this amendment asserted that the President of the United States gave this issue a tremendous amount of thought. Surely that assertion contains an oxymoron.

Mr. SMITH of New Jersey. Mr. Chairman, with all due respect to my friend and colleague, those kinds of words have no place in a reasonable and dignified debate. That is beyond the pale. I would hope the gentleman would retract them.

The CHAIRMAN pro tempore. The gentleman will suspend. The time is controlled by the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, the latest get-tough initiative to rid Cuba of Fidel Castro punishes ordinary Cubans on both sides of the Florida straits and will surely have no more effect on the longevity of the Castro regime than all other such measures over the last 45 years, over the lifetime of ten different Presidents, have had.

Specifically, the interim rule which went into effect on June 30, 2004, limits family visits to Cuba to one trip every 3 years for a maximum of 14 days under a specific license to visit only immediate family. No longer will emergency visits, even deathbed visits, be allowed, nor visits to aunts, uncles and cousins who are outside the definition of immediate family.

The old policy allowed one trip per year under a general license for an unstated number of days, included a broader definition of family and allowed emergency visits under a specific license. Further, the new rule has ordered cutting the amount that Cuban-Americans visiting Cuba can spend on a daily basis from \$167 to \$50, and \$50 does not buy very much these days. And these sweeping changes were done without so much as one hearing in Congress.

The Davis amendment would prohibit funds in the bill from being used to implement, administer or enforce the rule containing these changes made in family travel. Regardless of Members' opinions on the travel ban, this policy is politics at its worse being played with families. We should adopt the amendment overwhelmingly and put a stop to this policy folly.

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

Mr. Chairman, with a great sense of responsibility, I say that political prisoners in Cuba have asked that their support for President Bush's policy be made known. I know that the wrath, the brutality of the tyrant falls upon with all severity heroes such as that,

but I think I have an obligation to say that Felix Navarro Rodriguez of Guanatanamo asked that his support for this policy and its reduction, which has been admitted already by the regime to be substantial, of dollars to the coffers of the terrorists state be noted.

Mr. Chairman, the Cuban people have never stopped fighting for freedom during these 45 years, and Cuba will be free. And men and women like Felix Navarro Rodriguez and Oscar Elias Biscet and Jorge Luis Garcia Perez and Rafael Ibarra and Francisco Chaviano, those are the people who will be respected for generations to come because they, in those dungeons, stood up for the freedom of the Cuban people. They support these measures. We owe it to the Cuban people to sanction the regime and support President Bush's policy. Reject the Davis amendment, I ask my colleagues with all due respect.

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

I want to start by clarifying that there is no dispute whatsoever that this is not a debate about tourism. This is not a debate about trade or the embargo. This is a debate about the right of family members to visit each other without government interference.

There has been virtually no response to the merits of the issue as to how anybody might defend the indefensible; that is to restrict the ability of family members to see their own. I understand that. If I were opposing this, I would not have anything to say on the merits either. Members cannot defend the indefensible here.

The only opposition that has been raised is to call the amendment arrogant, and it is based on a point of view sincerely expressed by the opposition that a few Members of Congress which represent a significant portion of Cuban-Americans in this country ought to essentially have a monopoly on that issue. I respectfully disagree. I personally offer this amendment tonight. I feel compelled to speak. I feel a sense of obligation because I represent roughly 120,000 people who would proudly describe themselves as Hispanic in the Tampa Bay area, many of whom are Cuban, and I feel obliged to present the voice tonight of Simon Rosen and Rufino Blanco, Ignacio and Gloria Menendez and the U.S. Army medic, Carlos Lazo, who was denied the ability on his leave from Iraq to visit his teenage sons in Cuba. What a disgrace.

One of the few things that I think we can all agree on here tonight is that life is very cruel for people in Cuba. It is very cruel for families. One of the few sources of support and hope they have is their own flesh and blood, their own family, whether they be in Cuba or in the United States.

In Florida, we just went through a supreme test. We have been through three hurricanes. It brought out the worst of Mother Nature, and it brought out the best in Floridians. And the best

in Floridians is neighbor helping neighbor and family helping family, a hand extended to offer hope and support.

Cuba has just been through two horrific hurricanes. How can we deny to Cuba the support and comfort, the peace of mind of their own flesh and blood which has sustained so many Floridians throughout the southeast who have been affected by this terrible hurricane? This amendment is a test of our humanity. It is a test of who we are. This amendment is a test of whether we truly believe, as I believe we do, as Democrats and Republicans, in the values of family and that the government's job is to support families and not to interfere.

Let us adopt the Davis amendment and reaffirm to the Cuban people and people who fled Cuba from this ruthless dictatorship that we are counting on them to support each other, much as we support each other in this country. I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. DAVIS).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DAVIS) will be postponed.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would alter the debate somewhat this evening recognizing a number of important issues have come to our attention during debate on the transportation appropriations bill.

Yesterday, Mr. Chairman, the ACI had the beginning of its meeting in Houston, some 1,500 airports. I realize that airports create jobs, and airports are a vital economic arm of our communities, but I also realize that airports typically are in our communities. Whether rural or urban, many times they are in communities that are fully residential.

I rise today to speak to a question that I think is important to bring attention to, and I would hope that, in the conference and the work of the ranking member and the chairman, we can look again at the restoration of airport mitigation dollars for noise abatement.

We know that exposure to excessive noise, that is 55 decibels, can lower children's learning and academic performance, increase blood pressure and incidence of cardiovascular disease, cause mental health disorders, stress and depression, and cause work performance issues. Each decibel increase in airport noise results in a 0.5 to 2.5 percent decrease in real estate value.

According to a 1998 Cornell University study, the constant roar of a jet aircraft can seriously affect the health and psychological well-being of children. These problems include higher blood pressure and boosted levels of stress hormones and have lifelong effects.

I hope we can move this body and the Committee on Appropriations and our authorizing committee to deal with increased mandatory damage mitigation funding, increased FAA oversight, mandatory noise and pollution monitoring, enforcement of land use and clean air assurances. Our communities deserve this. We must be able to live compatibly with those residential communities around airports for our airports to survive.

On April 17, 2003, the FAA proposed to modify the Houston class B air space. The FAA proposed this action due to a significant growth in aircraft operations over the past 10 years and thousands of complaints from residents. To address this growth, the city of Houston completed construction of a new runway, 8L/26R in October 2003. Since the runway expansion, residents near the airport have suffered increased noise and vibrations from airport operations and aircraft.

This is not only just for residents. We have, amongst those community activists that I imagine might be all over the Nation, Mark Goble who happens to be an airline pilot. Let me share with my colleagues, and I hope in the Committee of the Whole I will be able to put these into the RECORD.

We can see what happens outside of the homes of many of the residents.

□ 1815

Aircraft on a constant basis over churches.

I believe it is important in working with the gentleman from Texas (Mr. LAMPSON), the gentleman from Texas (Mr. GREEN), and the gentleman from Texas (Mr. BRADY) that we work with the Houston Airport, but this cannot be a local issue alone. We must have Federal resources to help us in communities across the Nation.

So I rise today to bring attention to this issue, hoping that my colleagues on the Transportation, Treasury and Independent Agencies Subcommittee of the Committee on Appropriations in conference will look to this issue again and be able to address the Federal funding, mandatory funding, to help our local communities mitigate this noise, help to mitigate and help to bring about noise abatement.

Each Member should understand the significant environmental impact that airports have on abutting communities. The concept of Not in My Backyard usually comes to mind when we speak of nuisances and their effect on communities. One 747 arriving and departing from JFK Airport in New York produces as much smog as a car driven over 5,600 miles and as much noxious nitrogen oxides as a car driven nearly

26,500 miles. While Federal regulations require automobiles to undergo stringent emissions testing and certification, aircraft do not receive the same level of scrutiny. We all want to live in a peaceful and safe location.

And I would simply say I understand the needs of airports and airlines. I said yesterday in my remarks to the ACI, airports, airlines connect us to the world and to the Nation. They are the engine of economic opportunity. But I also am concerned about the communities that grow up around them or are already there when they have to expand. We must find a way in this Government to assist our local governments in this effort of mitigation.

I want to thank the ranking member and the chairman for their consideration. Let me say that I do not know if we have unanimous consent to extend for a response, but I hope to ask both the gentleman from Oklahoma (Mr. ISTOOK) and the ranking member for their consideration of this important issue.

Exposure to excessive noise (that is, 55 decibels) can: (1) Lower children's learning and academic performance, (2) increase blood pressure and incidence of cardiovascular disease, (3) cause mental health disorders, stress, and depression, and (4) cause work performance issues. Each decibel increase in airport noise results in a 0.5 to 2.0 percent decrease in real estate value.

According to a 1998 Cornell University study, the constant roar of a jet aircraft can seriously affect the health and psychological well-being of children. These health problems include higher blood pressure and boosted levels of stress hormones and have lifelong effects.

On April 17, 2003, the Federal Aviation Administration (FAA) proposed to modify the Houston Class B airspace area. The FAA proposed this action due to a significant growth in aircraft operations over the past 10 years and thousands of complaints from residents. To address this growth, the City of Houston completed construction of a new Runway 8L/26R in October 2003. Since the runway expansion, residents near the airport have suffered increased noise and vibrations from aircraft and airport operations and the complaints have actually doubled! While the Airport and FAA have taken some steps toward mitigation, local residents continue to raise legitimate concerns and demand that more be done to solve the noise problem.

I joined my colleagues Mr. LAMPSON, GREEN, and BRADY in calling for Houston Airport Systems to make improvements to its noise abatement program for aircraft operations at Intercontinental Airport (IAH). This problem still exists, so I ask this Subcommittee to use this legislation, H.R. 5025 as a vehicle to bring peace and good health to densely populated communities like the one surrounding Intercontinental in Houston.

Each member should understand the significant environmental impact that airports have on abutting communities. The concept of "Not In My Back Yard" usually comes to mind when we speak of nuisances and their effect on communities. One 747 arriving and departing from JFK airport in New York City pro-

duces as much smog as a car driven over 5,600 miles and as much noxious nitrogen oxides as a car driven nearly 26,500 miles. While Federal regulations require automobiles to undergo stringent emissions testing and certification, aircraft do not receive the same level of scrutiny. We all want a peaceful and safe place to raise our children and to live.

I speak now to advocate for families like one of my constituents who is actually a pilot out of Intercontinental Airport (IAH). He indicated that aircraft would fly between 300–500 feet away from his home in the Woodcreek Subdivision of Houston, TX. Furthermore, as a pilot, he measured the height of some of his own flights as low as 540 feet above heavily populated areas—and this was typical of flight patterns out of the airport.

He, his wife, and his two children once counted over 150 flights directly over his home. The health impacts of such proximity to flying aircraft are tremendous and inhuman. Federal dollars are needed to standardize flight patterns and design runways in such a way that respects the health of abutting communities—regardless of whether the region has zoning laws on its books.

Legislation such as H.R. 5025 allocates funds for enhancements to be made for modes of transportation. These funds should not be allocated without the inclusion of funding for damage mitigation and future monitoring for damages to abutting communities. I suggest that language should be included in this legislation that restricts funding for airports unless adequate damage or nuisance mitigation plans and agreements have been executed. Furthermore, this legislation needs more oversight provisions in the area of the Federal Aviation Administration (FAA). The agency should not have the ability to publish and promulgate rules that serve to hurt communities. Appropriations legislation serves as effective tools for guiding government behavior.

As I have learned from community activist groups in Houston, we must work to guide the FAA to change the way it assigns its air space categories. Low intercept altitudes should not be allowed in heavily populated areas or where landing paths cannot avoid residential areas. These low intercept altitudes decrease property values severely, destroy quality of life, promote illness and disease among inhabitants, and do not aid our efforts to keep our homeland secure in light of current elevated threat levels. Furthermore, we should include mandatory noise and pollution monitoring for areas that abut airports and lower the legal designation of "significant noise" from 65 DNL to 55 DNL.

Mr. Chairman, I ask that the conferees take this grave issue into consideration, and I support the legislation.

LEGISLATIVE OBJECTIVES

Federal:
Mandatory damage mitigation funding.
Reduce Class B Airspace over populated areas.
Increased FAA oversight.
Mandatory noise and pollution monitoring.
Enforcement of land use and clean air assurances.

State and Local:
Direct notice laws.
Mandatory noise abatement procedures for airport owners.
Mandatory land use management plans around airports.

[May 26, 2004, Coalition of Homeowner Alliances Requiring Government Equity]

CHARGE SHORT RANGE GOALS?

Short Range Goals:

Combat the noise of IAH.

Address the related pollution exposures.

Secure compensation for those experiencing extreme noise.

[May 26, 2004, Coalition of Homeowner Alliances Requiring Government Equity]

Mr. NEY. Mr. Chairman, I rise in strong support of the \$15 million appropriation in the Transportation-Treasury bill dedicated to enabling the Election Assistance Commission, EAC, to carry out its responsibilities under the Help America Vote Act, HAVA. During its first year in existence, the EAC has done a commendable job in carrying out its responsibilities while operating on a shoestring budget. In order for the Commission to fully achieve the many tasks assigned to it by HAVA, however, it will need the \$15 million appropriated in this bill during the upcoming fiscal year.

The funds being made available will ensure that the EAC has the resources necessary for conducting research on voting system security and other important election-related issues. It will also allow the EAC to hire the staff and invest in the infrastructure needed to fulfill its numerous HAVA obligations.

The American people demand and deserve a voting process in which they can have full confidence. That is why I am proud to have been a chief sponsor and author of HAVA, which holds the potential for fundamentally improving the health of our Nation's democracy. The EAC plays an important role in ensuring that the promise of HAVA becomes a reality.

I, therefore, urge my colleagues to support the \$15 million appropriation to the EAC.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLAKE) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore 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. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 6 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEARCE) at 6 o'clock and 32 minutes p.m.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 770 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. 5025.

□ 1832

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. 5052) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a request for a recorded vote on Amendment No. 2 offered by the gentleman from Florida (Mr. DAVIS) had been postponed and the bill had been read through page 166, line 3.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. 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. 11 offered by Mr. VAN HOLLEN of Maryland; amendment No. 5 offered by Mr. SANDERS of Vermont; amendment offered by Ms. NORTON of the District of Columbia; and amendment No. 2 offered by Mr. DAVIS of Florida.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 11 OFFERED BY MR. VAN HOLLEN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 187, not voting 36, as follows:

[Roll No. 457]

AYES—210

Abercrombie	Bell	Boyd
Ackerman	Berkley	Brady (PA)
Alexander	Berman	Brown (OH)
Allen	Berry	Burr
Andrews	Bishop (NY)	Butterfield
Baca	Boehrlert	Capito
Baldwin	Boswell	Capps
Becerra	Boucher	Capuano

Cardin	Jackson-Lee
Cardoza	(TX)
Carson (IN)	Jefferson
Case	Johnson (IL)
Chandler	Johnson, E. B.
Clay	Jones (NC)
Clyburn	Jones (OH)
Conyers	Kanjorski
Cooper	Kaptur
Costello	Kelly
Cramer	Kennedy (RI)
Crowley	Kildee
Cummings	Kilpatrick
Davis (AL)	Kind
Davis (CA)	Kleczka
Davis (FL)	Kucinich
Davis (IL)	LaHood
Davis (TN)	Lampson
Davis, Jo Ann	Langevin
DeFazio	Lantos
DeGette	Larsen (WA)
DeLauro	Larson (CT)
Deutsch	LaTourette
Dicks	Lee
Dingell	Levin
Doggett	Lewis (GA)
Dooley (CA)	Lewis (KY)
Doyle	Lipinski
Edwards	LoBiondo
Emanuel	Lofgren
Emerson	Lowe
Engel	Lucas (KY)
English	Lynch
Eshoo	Maloney
Etheridge	Markey
Evans	Marshall
Farr	Matheson
Fattah	McCarthy (MO)
Filner	McCarthy (NY)
Ford	McCollum
Frank (MA)	McDermott
Gephardt	McGovern
Gonzalez	McHugh
Gordon	McIntyre
Green (TX)	McNulty
Grijalva	Meehan
Gutknecht	Meeke (NY)
Harman	Menendez
Hastings (FL)	Michaud
Herse	Miller (NC)
Hill	Miller, George
Hinojosa	Moore
Hoeffel	Moran (VA)
Holden	Murtha
Holt	Nadler
Hoolley (OR)	Napolitano
Hostettler	Neal (MA)
Hoyer	Oberstar
Hyde	Obey
Inslee	Olver
Israel	Ortiz
Jackson (IL)	Owens
	Pallone

NOES—187

Aderholt	Chocola
Akin	Coble
Bachus	Granger
Baker	Collins
Ballenger	Cox
Barrett (SC)	Crane
Bartlett (MD)	Crenshaw
Barton (TX)	Cubin
Bass	Cunningham
Beauprez	Davis, Tom
Biggart	Deal (GA)
Bilirakis	DeLay
Bishop (UT)	Diaz-Balart, L.
Blackburn	Diaz-Balart, M.
Blunt	Doolittle
Boehner	Dreier
Bonilla	Duncan
Bono	Ehlers
Boozman	Everett
Bradley (NH)	Feeney
Brady (TX)	Ferguson
Brown (SC)	Flake
Brown-Waite,	Foley
Ginny	Forbes
Burgess	Fossella
Burns	Franks (AZ)
Burton (IN)	Frelinghuysen
Buyer	Galleghy
Calvert	Garrett (NJ)
Camp	Gerlach
Cantor	Gibbons
Carter	Gilchrest
Castle	Gillmor
Chabot	Gingrey

Pascrell	Manzullo
Pastor	McCotter
Payne	McCrery
Pelosi	McKeon
Peterson (MN)	Mica
Pomeroy	Miller (MI)
Price (NC)	Miller, Gary
Quinn	Moran (KS)
Rahall	Murphy
Rangel	Musgrave
Reyes	Myrick
Rodriguez	Nethercutt
Ross	Neugebauer
Rothman	Ney
Roybal-Allard	Northup
Ruppersberger	Norwood
Rush	Nunes
Ryan (OH)	Nussle
Sabo	Osborne
Sánchez, Linda T.	Ose
Sánchez, Loretta	Otter
Sanders	Oxley
Schakowsky	Paul
Schiff	Pearce
Scott (GA)	Pence
Scott (VA)	Peterson (PA)
Serrano	Petri
Sherman	Pickering
Shimkus	Pitts
Simmons	
Skelton	
Slaughter	
Smith (NJ)	
Snyder	
Solis	
Spratt	
Stark	
Strickland	
Stupak	
Sweeney	
Tanner	
Tauscher	
Taylor (MS)	
Thompson (CA)	
Thompson (MS)	
Tierney	
Towns	
Udall (CO)	
Udall (NM)	
Van Hollen	
Velazquez	
Walsh	
Waters	
Watson	
Watt	
Waxman	
Weiner	
Wexler	
Woolsey	
Wu	
Wynn	

Platts	Smith (TX)
Pombo	Smith (WA)
Porter	Souder
Portman	Stearns
Pryce (OH)	Stenholm
Putnam	Sullivan
Radanovich	Taylor (NC)
Ramstad	Terry
Regula	Thomas
Rehberg	Thornberry
Renzi	Tiahrt
Reynolds	Tiberi
Rogers (AL)	Toomey
Rogers (KY)	Turner (OH)
Rogers (MI)	Turner (TX)
Ros-Lehtinen	Upton
Royce	Vitter
Ryan (WI)	Walden (OR)
Ryun (KS)	Wamp
Saxton	Weldon (FL)
Sensenbrenner	Weldon (PA)
Sessions	Weller
Shadegg	Whitfield
Shaw	Wilson (NM)
Shays	Wilson (SC)
Sherwood	Wolf
Shuster	Young (AK)
Simpson	Young (FL)
Smith (MI)	

NOT VOTING—36

Baird	Gutierrez	Millender-McDonald
Bishop (GA)	Hensarling	Miller (FL)
Blumenauer	Hinchee	Mollohan
Bonner	Hoekstra	Rohrabacher
Brown, Corrine	Honda	Sandlin
Cannon	Isakson	Schrock
Carson (OK)	Jenkins	Tancredo
Culberson	John	Tauzin
DeMint	King (NY)	Visclosky
Dunn	Majette	Wicker
Frost	Matsui	
Goss	McInnis	
Greenwood	Meek (FL)	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1858

Mr. NEY, Mrs. MYRICK, and Messrs. BACHUS, HALL, and KINGSTON changed their vote from “aye” to “no.” Mr. WALSH changed his vote from “no” to “aye.”

So the amendment was agreed to. The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 5 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. 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 ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 237, noes 162, not voting 34, as follows:

[Roll No. 458]

AYES—237

Abercrombie Hefley
 Ackerman Herseth
 Allen Hill
 Andrews Hinojosa
 Baca Hoeffel
 Baldwin Holden
 Becerra Holt
 Bell Hooley (OR)
 Berkley Hoyer
 Berman Hyde
 Berry Inslee
 Bilirakis Israel
 Bishop (NY) Jackson (IL)
 Boehlert Jackson-Lee
 Boswell (TX)
 Boucher Jefferson
 Boyd Johnson, E. B.
 Brady (PA) Jones (NC)
 Brown (OH) Jones (OH)
 Brown-Waite, Kanjorski
 Ginny Kaptur
 Burgess Kelly
 Burton (IN) Kennedy (RI)
 Butterfield Kildee
 Camp Kilpatrick
 Capito Kind
 Capps Kirk
 Capuano Kleczka
 Cardin Kucinich
 Cardoza LaHood
 Carson (IN) Lampton
 Case Langevin
 Chandler Lantos
 Clay Larsen (WA)
 Clyburn Larson (CT)
 Coble Latham
 Conyers LaTourette
 Costello Leach
 Cramer Lee
 Cummings Levin
 Davis (AL) Lewis (GA)
 Davis (CA) Lipinski
 Davis (FL) LoBiondo
 Davis (IL) Lofgren
 Davis (TN) Lowey
 DeFazio Lynch
 DeGette Maloney
 Delahunt Manzullo
 DeLauro Markey
 Deutsch Marshall
 Dicks Matheson
 Dingell McCarthy (MO)
 Doggett McCarthy (NY)
 Doyle McCollum
 Edwards McCotter
 Emanuel McDerrott
 Emerson McGovern
 Engel McHugh
 Eshoo McIntyre
 Etheridge McNulty
 Evans Meehan
 Farr Meek (FL)
 Fattah Menendez
 Ferguson Michaud
 Filner Miller (MI)
 Ford Miller (NC)
 Fossella Miller, George
 Frank (MA) Moore
 Frclinghuysen Moran (VA)
 Gephardt Murtha
 Gerlach Musgrave
 Gilchrest Nadler
 Gonzalez Napolitano
 Goode Neal (MA)
 Gordon Ney
 Green (TX) Northup
 Grijalva Nussle
 Gutknecht Oberstar
 Harman Obey
 Hastings (FL) Oliver

NOES—162

Aderholt Blunt
 Akin Boehner
 Alexander Bonilla
 Bachus Bono
 Baker Boozman
 Ballenger Bradley (NH)
 Barrett (SC) Brady (TX)
 Bartlett (MD) Brown (SC)
 Barton (TX) Burns
 Bass Burns
 Beauprez Crenshaw
 Biggert Crowley
 Bishop (UT) Cubin
 Blackburn Cantor
 Carter Davis, Tom

Deal (GA) Johnson (IL)
 DeLay Johnson, Sam
 Diaz-Balart, L. Keller
 Diaz-Balart, M. Kennedy (MN)
 Dooley (CA) King (IA)
 Doolittle Kingston
 Dreier Kline
 Duncan Knollenberg
 Ehlers Kolbe
 English Lewis (CA)
 Everett Lewis (KY)
 Feeney Linder
 Flake Lucas (KY)
 Foley Lucas (OK)
 Forbes McCreery
 Franks (AZ) McKeon
 Gallegly Meeks (NY)
 Garrett (NJ) Mica
 Gibbons Miller, Gary
 Gillmor Moran (KS)
 Gingrey Murphy
 Goodlatte Myrick
 Granger Nethercutt
 Graves Neugebauer
 Green (WI) Norwood
 Hall Nunes
 Harris Osborne
 Hart Ose
 Hastings (WA) Otter
 Hayes Oxley
 Hayworth Paul
 Herger Pearce
 Hobson Pence
 Hostettler Peterson (PA)
 Houghton Pickering
 Hulshof Pitts
 Hunter Pombo
 Issa Porter
 Istook Portman
 Johnson (CT) Pryce (OH)

NOT VOTING—34

Baird Greenwood
 Bishop (GA) Gutierrez
 Blumenauer Hensarling
 Bonner Hincheley
 Brown, Corrine Hoekstra
 Cannon Honda
 Carson (OK) Isakson
 Culberson Jenkins
 DeMint John
 Dunn King (NY)
 Frost Majette
 Goss Matsui

ANNOUNCEMENT BY THE CHAIRMAN PRO
TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that two minutes remain in the vote.

□ 1905

So the amendment was agreed to.
 The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. NORTON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 175, noes 224, not voting 34, as follows:

[Roll No. 459]

AYES—175

Abercrombie Herseth
 Ackerman Olver
 Allen Hoeffel
 Andrews Holden
 Baca Pallone
 Baldwin Hoyer
 Becerra Inslee
 Bell Israel
 Berman Jackson (IL)
 Berry Jackson-Lee
 Bishop (NY) (TX)
 Boswell Jefferson
 Boucher Johnson, E. B.
 Brady (PA) Jones (OH)
 Brown (OH) Kanjorski
 Brown (OH) Kaptur
 Burr Kennedy (RI)
 Butterfield Kildee
 Capps Kilpatrick
 Capuano Kind
 Cardin Kleczka
 Carson (IN) Kucinich
 Chandler Sabo
 Clay Langevin
 Clyburn Lantos
 Cole Larsen (WA)
 Conyers Larson (CT)
 Costello Lee
 Crowley Levin
 Cummings Lewis (GA)
 Davis (AL) Lipinski
 Davis (CA) Lofgren
 Davis (FL) Lowey
 Davis (IL) Lynch
 Davis, Tom Maloney
 DeFazio Markey
 DeGette Marshall
 Delahunt Matheson
 DeLauro McCarthy (MO)
 Deutsch McCarthy (NY)
 Dicks McCollum
 Dingell McDermott
 Doggett McGovern
 Doyle McHugh
 Edwards McIntyre
 Emanuel Emanuel
 Engel McNulty
 Eshoo Meehan
 Etheridge Meek (FL)
 Evans Meeks (NY)
 Farr Menendez
 Fattah Michaud
 Filner Miller (NC)
 Ford Miller, George
 Frank (MA) Moran (VA)
 Gephardt Murtha
 Goode Nadler
 Gordon Napolitano
 Grijalva Neal (MA)
 Hastings (FL) Oberstar

NOES—224

Cardoza Fossella
 Carter Franks (AZ)
 Case Frelinghuysen
 Castle Gallegly
 Chabot Garrett (NJ)
 Chocola Gerlach
 Coble Gibbons
 Collins Gilchrest
 Cooper Gillmor
 Cox Gingrey
 Cramer Gonzalez
 Crane Goodlatte
 Crenshaw Granger
 Cubin Graves
 Culberson Green (TX)
 Cunningham Green (WI)
 Blunt Davis (TN)
 Boehlert Davis, Jo Ann
 Boehner Deal (GA)
 Bonilla DeLay
 Bono Diaz-Balart, L.
 Boozman Diaz-Balart, M.
 Boyd Dooley (CA)
 Bradley (NH) Doolittle
 Brady (TX) Dreier
 Brown (SC) Duncan
 Brown-Waite, Ehlers
 Ginny Emerson
 Burgess English
 Burns Everett
 Burton (IN) Buyer
 Calvert Ferguson
 Camp Flake
 Cantor Hunter
 Capito Forbe

Obey
 Ortiz
 Owens
 Pallone
 Pascrell
 Holt
 Payne
 Pelosi
 Peterson (MN)
 Peterson (MN)
 Pomeroy
 Price (NC)
 Rahall
 Rangel
 Jones (OH)
 Rodriguez
 Kaptur
 Ross
 Kennedy (RI)
 Rothman
 Kildee
 Royal-Allard
 Kilpatrick
 Ruppberger
 Kind
 Rush
 Kleczka
 Ryan (OH)
 Kucinich
 Sabo
 Langevin
 Sanchez, Linda
 Lantos
 T.
 Larsen (WA)
 Sanchez, Loretta
 Larson (CT)
 Sanders
 Lee
 Schakowsky
 Levin
 Scott (GA)
 Lewis (GA)
 Scott (VA)
 Lipinski
 Serrano
 Lofgren
 Sherman
 Lowey
 Simmons
 Lynch
 Skelton
 Maloney
 Slaughter
 Markey
 Smith (WA)
 Marshall
 Snyder
 Matheson
 Solis
 McCarthy (MO)
 Spratt
 McCarthy (NY)
 Stark
 McCollum
 Strickland
 McDermott
 Stupak
 McGovern
 Tauscher
 McHugh
 Thompson (CA)
 Thompson (MS)
 Tierney
 Towns
 Turner (OH)
 Turner (TX)
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velazquez
 Walsh
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Weldon (PA)
 Wexler
 Whitfield
 Wilson (NM)
 Woolsey
 Wu
 Wynn
 Young (FL)

Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup

NOT VOTING—34

Baird
Berkley
Bishop (GA)
Blumenauer
Bonner
Brown, Corrine
Cannon
Carson (OK)
DeMint
Dunn
Frost
Goss

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1912

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. DAVIS OF FLORIDA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DAVIS) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 225, noes 174, not voting 34, as follows:

[Roll No. 460]
AYES—225
Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (NY)
Boehlert
Bono
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gallegly
Gephardt
Gilchrest
Gonzalez
Gordon
Graves
Green (TX)

Grijalva
Harman
Herger
Hersteth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey

NOES—174

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boyd
Bradley (NH)

Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ose
Oxley
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)

NOT VOTING—34

Baird
Bishop (GA)
Blumenauer
Bonner
Brown, Corrine
Cannon
Carson (OK)
Davis, Tom
DeMint
Dunn
Frost
Goss

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1921

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURGESS) having assumed the chair, Mr. THORNBERRY, 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. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. MOORE. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion

to instruct on H.R. 1308, the Tax Relief, Simplification, and Equity Act of 2003.

The form of the motion is as follows:
I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 1308 be instructed to agree, to the maximum extent possible within the scope of conference, to a conference report that:

Number 1, extends the tax relief provisions which expire at the end of 2004; and

Number 2, does not increase the budget deficit.

CONSIDERATION OF MEMBER AS FIRST SPONSOR OF H.R. 2119

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 2119, a bill originally introduced by Representative BALLANCE of North Carolina, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

COMMEMORATING THE OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 41) commemorating the opening of the National Museum of the American Indian.

The Clerk read as follows:

S.J. Res. 41

Whereas the National Museum of the American Indian Act (20 U.S.C. 808 et seq.) established within the Smithsonian Institution the National Museum of the American Indian and authorized the construction of a facility to house the National Museum of the American Indian on the National Mall in the District of Columbia;

Whereas the National Museum of the American Indian officially opens on September 21, 2004; and

Whereas the National Museum of the American Indian will be the only national museum devoted exclusively to the history and art of cultures indigenous to the Americas, and will give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL MUSEUM OF THE AMERICAN INDIAN.

Congress—

(1) recognizes the important and unique contribution of Native Americans to the cultural legacy of the United States, both in the past and currently;

(2) honors the cultural achievements of all Native Americans;

(3) celebrates the official opening of the National Museum of the American Indian; and

(4) requests the President to issue a proclamation encouraging all Americans to take advantage of the resources of the National Museum of the American Indian to learn about the history and culture of Native Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

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

Senate Joint Resolution 41 commemorates the opening of the National Museum of the American Indian.

Today brings to a conclusion a concept that started over 20 years ago, to create a national museum in our Nation's capital which is dedicated exclusively to Native American art, history, and culture.

Today will also mark the beginning of a lasting tribute to those individuals who were our country's earliest inhabitants.

The Smithsonian Institution's National Museum of the American Indian sits adjacent to the National Air and Space Museum on over 4 acres of land, just southwest of the U.S. Capitol.

The building's appearance is unlike any other in Washington, D.C., and it has symbolic references to Native American culture. The building's limestone exterior gives it the appearance of natural rock formations that have been carved by wind and water.

Three-quarters of the site is reconstructed natural habitats that are indigenous to this southeastern region, and the building itself will display about 8,000 objects from its permanent collection. The displays will include not only historical artifacts, but will also portray ongoing vital contributions Native Americans bring to this Nation's art and culture.

The building has some special features which include an entrance facing east toward the rising sun, a prism window and a 120-foot high atrium called the Potomac, which was designed in consultation with many Native Americans.

Native Americans indeed have had profound influences on our Nation's culture from the very birth of our country through today and will continue into the future.

At a time when our military receives so much focus, it is important to remember that some of our military's great heroes, such as the code talkers, were Native Americans who helped preserve our country's ideals and beliefs.

It is also important to note that Native Americans make up less than 1 percent of the total U.S. population, but represent half the languages and cultures in the Nation.

The term "Native American" includes over 500 different groups and reflects great diversity of geographic location, language, socioeconomic conditions, and retention of traditional spiritual and cultural practices. However, many teaching materials present a generalized image of Native American people with little or no regard for differences that exist from tribe to tribe. I believe this museum provides a strong presentation of these differences and will be very educational to the viewer and to the Nation.

It is remarkable that Native Americans have retained many of their longstanding traditions, even though numerous outside influences create pressures for change.

Thanks to the efforts of Senator INOUE and our former House colleague, Senator BEN NIGHORSE CAMPBELL, legislation was signed by former President George Herbert Walker Bush on November 28, 1989; and today this museum has become a reality.

I hope all my colleagues and all who visit our Nation's capital will take the opportunity to visit this wonderful museum, and I urge my colleagues to support S.J. Res. 41.

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

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

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

Mr. LARSON of Connecticut. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Michigan. Indeed, I am pleased to support Senate Joint Resolution 41, commemorating the successful 15-year effort to create the National Museum of the American Indian and requesting the President to issue a proclamation for this occasion.

What a day it has been already, having the celebration kicked off this morning. So many Native Americans from my great State of Connecticut are down here for this very special commemoration.

I would also echo the remarks and sentiments of the gentleman from Michigan. What a great tribute. This is the 18th such museum that the Smithsonian has put up; and under their tutelage, we know that it is going to continue to be as spectacular as the 17 others that come under their control and auspices.

I am equally proud as well that so many tribes in the great State of Connecticut have contributed not only to our great economy and employment there but they themselves have been leaders. The Mashantucket Pequot of Mashantucket have put together their own museum and are going to collaborate here with the national museum.

They are both extraordinary sites and worth everyone visiting, as well as have the Mohegans in Connecticut who are also great economic contributors and employers in the State of Connecticut, who have also put together an educational program and archaeological field trips that teach both the culture and the storytelling and the lore of all that are so important.

So, Mr. Speaker, I am proud and encourage everyone to support this resolution today.

I am pleased to support S.J. Res. 41, commemorating the successful 15-year effort to create the National Museum of the American Indian (NMAI) on the Mall, and requesting the President to issue a proclamation for the occasion.

The legislation was originally introduced by Senators CAMPBELL and INOUE, the chairman and ranking member of the Committee on Indian Affairs, and passed the Senate on July 22. Many of Connecticut's tribal nations are here this week for the commemoration.

The Museum encompasses the culture and history of indigenous peoples throughout the Western Hemisphere, who total more than 35 million.

The Museum, which is part of the Smithsonian Institution, opens today at 4.25 acre site southwest of the U.S. Capitol grounds. It is the only national museum devoted exclusively to the life, languages, literature, history and arts of cultures indigenous to the Americas.

Earlier today there are a ceremonial procession of Native Americans from the Smithsonian to the Capitol, followed by the Museum dedication ceremony on the Mall and the opening of the Museum to the public. A six-day festival and celebration on the Mall also begins today.

Besides the site on the Mall, the Museum also includes the George Gustave Heye Center, a museum in New York; and the Cultural Resources Center, a research and collections facility in Suitland, Maryland.

The National Museum of the American Indian is the 18th museum under the control of the Smithsonian. It was formally created by Congress in 1989 after the Heye Foundation in New York City agreed to transfer its own unique collection to the Smithsonian. Construction on the Mall began in 1999.

The structure has a unique architectural design using Kasota limestone which gives the appearance of having been weathered by the elements. It is a majestic setting which enhances the Mall, and the Museum's location along Independence Avenue near the Capitol ensures that it will become one of Washington's premier attractions for visitors. American Indians have played a key role in the Museum's design and fund-raising, as well as the exhibitions and programs.

The Smithsonian Institution has developed a special expertise in conceiving and managing museums which move beyond traditional concepts of exhibitions that remain static for decades, and instead allow living and evolving history to be displayed.

This is especially appropriate since Native American communities in the United States and Canada, and throughout the Hemisphere, remain vital forces in the cultural identities of the many new nations with which they have been joined.

The Native American communities in the United States remain distinct, highly visible entities culturally, and often politically and economically, in the States where they are located. In this country alone there are more than 500 distinct Native cultural communities recognized by the Federal government, and States recognize still more.

There are more than two million indigenous peoples residing in the United States.

The Mashantucket Pequot Tribe, in my home State of Connecticut, in addition to being a major employer and economic force in the State due to its well-known casinos, was the first Tribe to make a large donation to the National Museum of the American Indian. Its \$10-million donation was, at the time, the largest-ever single contribution to the Smithsonian. Both the Mohegan Tribe of Connecticut and the Oneida Tribe of New York later made similar donations.

The National Museum of the American Indian has also been the beneficiary of numerous other sizable donations from tribal communities and tribally related organizations. Tribes and tribal organizations have donated nearly one quarter of the approximately \$199 million total cost of the Museum building, a testament to the continuing cultural and economic vitality of Indian tribes and their interest in disseminating knowledge to the broader American public.

The Mashantucket Pequots also own and operate the Mashantucket Pequot Museum and Research Center in Mashantucket. This 308,000 sq. ft. facility houses the largest collection of Native American artifacts in the world. Four full acres of permanent exhibits at the Center depict 18,000 years of Native and natural history in thoroughly researched detail. The Mashantucket Pequot Tribe, along with the Mashantucket Pequot Museum and Research Center will continue to work together in a cooperative agreement with the National Museum of the American Indian.

The Mohegans have also created many educational resources to bring their contributions to a wider audience. Their Archaeological Field School provides an opportunity to learn about Native American history firsthand. Cultural and community programs bring Mohegan culture to life through presentations of tribal artifacts.

It is an honor for me to know personally so many tribal leaders, including from the Mohegans, Lifetime Chief and former Chairman Ralph Sturges, Chairman Mark F. Brown, Vice Chairman Peter J. Schultz and Ambassador Jayne G. Fawcett; and from the Mashantuckets, Chairman Michael Thomas, Vice Chairman Richard "Skip" Hayward, Executive Director of Public Affairs Pedro Johnson, and Councilmember Kenny Reels.

Mr. Speaker, the successful completion of the National Museum of the American Indian bodes well for public interest in the National Museum of African American History and Culture, which was created by Congress last year and is in the preliminary stages of development, site selection and fund-raising.

I insert in the CONGRESSIONAL RECORD at this point a chronology of the development of the National Museum of the American Indian prepared by the Smithsonian Institution.

NATIONAL MUSEUM OF THE AMERICAN INDIAN CHRONOLOGY

1980—Discussions begin between the Smithsonian Institution and the Museum of the American Indian, Heye Foundation in New York City. The Heye collection of 800,000 objects, representing tribes from the entire Western Hemisphere, was one of the largest Native American collections in the world. The talks were initiated by the museum's trustees, and discussions centered on an affiliation with the Smithsonian while still maintaining an independent museum in New York. Although not conclusive in themselves, these early talks lead the way to future negotiations.

April 1987—Smithsonian Secretary Robert McC. Adams accompanied Senator Daniel Inouye (D-Hawaii) to New York to talk with officials of the Museum of the American Indian, Heye Foundation.

May 4, 1987—The board of trustees of the Museum of the American Indian unanimously adopted a resolution providing for an affiliation between its museum and the Smithsonian, and for the relocation of the museum collections to a new building on the National Mall in Washington.

May 11, 1987—The Smithsonian Board of Regents approved a motion encouraging the Secretary to "continue discussions with representatives of the Museum of the American Indian, Heye Foundation, about the prospect of a formal institutional relationship between the museum and the Smithsonian."

Following discussion with the Smithsonian and the Heye Foundation's board of trustees, Senator Inouye introduced a bill (S. 1722) on September 25, 1987, to establish a National Museum of the American Indian within the Smithsonian Institution.

The Smithsonian Institution continues its negotiations with the board of trustees of the Museum of the American Indian, Heye Foundation. The Smithsonian Board of Regents approved an "agreement in principle" on January 30, 1989 to transfer the Museum of the American Indian collection to the Smithsonian.

March 16, 1989—Julie Johnson Kidd, chairman of the Heye Foundation, signed the agreement. The Smithsonian Board of Regents gave its final approval to the agreement on May 8, 1989, and it was endorsed the same day by Secretary Adams.

Senator Inouye introduced S. 978 to establish the National Museum of the American Indian on May 11, 1989, and Senator Ben Nighthorse Campbell (R-Colorado), at that time a U.S. representative from Colorado, introduced companion legislation, H.R. 2668 on June 15, 1989.

September 12, 1989—Secretary Adams joined Senators Inouye and Campbell for a press conference announcing the Smithsonian's revised policy on repatriation of American Indian human remains in the National Museum of Natural History collections. The legislation establishing the new museum, to be named the National Museum of the American Indian, would incorporate the repatriation policy and appropriate funds for an inventory of human remains in the Smithsonian's collections.

November 28, 1989—President George Bush signs legislation establishing the National Museum of the American Indian as part of the Smithsonian Institution.

May 21, 1990—Secretary Adams announced the appointment of W. Richard West (Southern Cheyenne), as founding director of the new museum, effective June 1, 1990.

April 1991—The Smithsonian selected Venturi, Scott Brown and Associates Inc. of

Philadelphia to assist the National Museum of the American Indian in developing general architectural program requirements and criteria for the design of the new museum in Washington, D.C., and for a Cultural Resources Center in Suitland, MD, about six miles from Washington where the museum's collections would be housed.

June 1992—The Smithsonian selected Polshek and Partners of New York City, Tober + Davis of Reston, VA, and the Native American Design Collaborative to provide architectural and engineering services for the Cultural Resources Center.

A preview exhibition, "Pathways of Tradition," a selection of more than 100 objects representing American Indian cultures and creativity, was on view at the Smithsonian's George Gustav Heye Center of the National Museum of the American Indian in New York City from November 15, 1992-January 24, 1993.

February 1993—The Smithsonian selected the architectural firm of GBQC of Philadelphia in association with Douglas Cardinal Architect Ltd. of Ottawa, Canada, to create the design concept for the National Museum of the American Indian on the National Mall in Washington.

October 30, 1994—The museum's Geroge Gustav Heye Center officially opened in the Alexander Hamilton U.S. Custom House at One Bowling Green in New York City.

January 1998—The Smithsonian terminated its relationship with GBQC and Douglas Cardinal (Blackfoot) and the Institution assumed responsibility for the design and construction of the museum on the National Mall. Assisting the Smithsonian were Polshek/Smith Group and Johnpaul Jones (Cherokee/Choctaw).

September 28, 1999—The groundbreaking and blessing ceremony takes place on the National Mall in Washington, DC, at the site of the National Museum of the American Indian's Mall Museum. The new museum will occupy the Mall's last remaining site. Three planned inaugural exhibitions will feature historic and contemporary aspects of Native life, and will highlight artifacts from the museum's priceless collection.

June 26, 2001—The Smithsonian Institution awarded a contract to "CLARK/TMR, A Joint Venture," to build the National Museum of the American Indian. CLARK/TMR is composed of the Clark Construction Company of Bethesda, MD, and Table Mountain Rancheria Enterprises Inc., a construction company that is a subsidiary of the Table Mountain Rancheria of Friant, CA.

September 14-15, 2002—A national Pow Wow was sponsored by the museum on the National Mall adjacent to the museum construction site. Approximately 25,000 people attended to watch nearly 500 Native Americans dance over the two-day event.

November 20, 2002—A "topping out" (a circular section of glass was installed on the roof of the building) ceremony and blessing was held to mark the completion of the major structural elements of the new building.

January 15, 2004—The first phase of occupancy of the new museum by staff begins.

Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. PALLONE) may control the remainder of my time.

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

There was no objection.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time to close. I have no further speakers other than myself.

Mr. PALLONE. Mr. Speaker, I yield 7 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Michigan and my good friend from New Jersey for the management of this proposed legislation.

Mr. Speaker, I rise in support of Senate Joint Resolution 41, as offered by the good Senator from the State of Colorado, Mr. CAMPBELL; and I would like to take this occasion to commend Senator BEN NIGHTHORSE CAMPBELL and Senator DANIEL INOUE on the historic opening of the National Museum of the American Indian.

The museum's opening and the other celebratory events of this week represent a culmination of over 15 years of dedicated work by Senator BEN CAMPBELL and Senator DANIEL INOUE to establish a national museum that acknowledges and honors the history, the achievement, and the arts and the culture of Native Americans.

□ 1930

This museum also symbolizes the courage and determination of Native Americans to persevere in the face of over 500 years of hardship and adversity. The National Museum of the American Indian is a true national treasure, a living legacy to the vitality and creativity of the first Americans of our Nation, a treasure that would not exist today without the vision and the efforts of Senator BEN "NIGHTHORSE" CAMPBELL and Senator DANIEL INOUE.

Senator CAMPBELL has worked tirelessly on behalf of Native Americans throughout his distinguished career. He introduced important legislation for native communities on issues as divergent as economic development, job training, trust reform and health care. Senator CAMPBELL has also introduced resolutions honoring the contributions of Native American veterans to the United States and designating November 2003 as National American Indian Heritage Month. Senator CAMPBELL has been a leading voice in establishing Native American policies and addressing the numerous challenges facing the Native American people, and his voice will be sorely missed when he retires at the end of this congressional session.

Senator INOUE has a tremendous reputation among the American Indian community. He deserves high praise for his countless contributions to the health and the well-being of our Nation's native people. Senator INOUE has been actively involved in the Senate Committee on Indian Affairs since 1978, playing a key role in establishing the committee from a select committee to a standing committee in order to better address long-neglected issues affecting our Native American community.

Senator INOUE has introduced legislation recognizing tribal sovereign authority, supporting native health care, and in conjunction with Senator CAMPBELL, authorizing the construction of

the National Museum of the Native American Indian.

Mr. Speaker, I also commend the Native American Caucus here in our own Chamber, led by my colleagues, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Arizona (Mr. HAYWORTH) for their outstanding leadership on issues of concern to the Native American community. For 16 years I have proudly supported the Native American Caucus as it advanced the interests of Native Americans in Congress, in the ongoing mission to improve the relationship between the United States Government and the Native American tribes to one of dignity and mutual respect.

Mr. Speaker, when I think of the American Indian museum, I think of the many trials and tribulations and suffering of the Native Americans. I am reminded of their generosity and humanity to teach the first pilgrims how to farm and to save the first Europeans from starvation. I am reminded of the forced removal of the Cherokees on the infamous "Trail of Many Tears," and the moving surrender speech of Chief Joseph, who said, "My heart is sick and sad. From where the sun now stands, I will fight no more, forever."

Mr. Speaker, when I think of the American Indian Museum, I am reminded of the great speech by Chief Seattle, a member of the Squamish-Dowamish tribe in the State of Washington, and I will submit the text of Chief Seattle's speech for the RECORD. Chief Seattle's speech was a moving and most profound and keen observation on the relations between Native Americans and our country; profound, in that his insights were prophetic and accurate. I want to share with my colleagues an excerpt of Chief Seattle's speech, and I quote.

"Every part of this country is sacred to my people. Every hillside, every valley, every plain and grove has been hallowed by some fond memory or some sad experience of my tribe. Even the rocks, which seem to lie dumb as they swelter in the sun along the silent shore in solemn grandeur thrill with memories of past events connected with the fate of my people. The very dust under your feet responds more lovingly to our footsteps than to yours because it is the ashes of our ancestors, and our bare feet are conscious of the sympathetic touch, for the soil is rich with the life of our kindred."

Mr. Speaker, as my good friend and colleague, the gentleman from California (Mr. BACA) alluded to earlier, the unmet social, political, educational and health care needs of some 4.1 million Native Americans is still an embarrassment, at least in this Member's opinion, and is not a record of which our national government can be proud. Yes, we are giving assistance, but never enough to do the job. I, for one, am puzzled by our Nation's inability to provide the necessary resources to assist our Native American community

with the very serious problems affecting them, especially health care and education.

Today, Mr. Speaker, the opening of the National Museum of the American Indian is a celebration of the Native American contributions to our national identity as well as a testament to the drive and determination of our congressional leaders who fought to make this museum a reality. Again I applaud the efforts of Senator BEN "NIGHTHORSE" CAMPBELL and Senator DANIEL INOUE for their leadership and initiative, and I am hopeful that Congress will now act to give our Native American community a voice in government, hopefully for generations to come.

Mr. Speaker, I urge my colleagues to support Senate Joint Resolution 41.

Mr. Speaker, the speech of Chief Seattle, referred to above, follows:

CHIEF SEATTLE'S SPEECH

As Translated by Dr. Henry Smith—Seattle, Washington Territory, During Treaty Negotiations—1854

Yonder sky that has wept tears of compassion upon our fathers for centuries untold, and which to us looks eternal, may change. Today is fair, tomorrow it may be overcast with clouds.

My words are like the stars that never set. What Seattle says the Great Chief at Washington can rely upon with as much certainty as our paleface brothers can rely upon the return of the seasons.

The son of the White Chief says his father sends us greetings of friendship and good will. This is kind, for we know he has little need of our friendship in return because his people are many. They are like the grass that covers the vast prairies, while my people are few and resemble the scattering trees of a storm-swept plain.

The Great, and I presume, also good, White Chief sends us word that he wants to buy our lands but is willing to allow us to reserve enough to live on comfortably. This indeed appears generous, for the Red Man no longer has rights that he need respect, and the offer may be wise, also, for we are no longer in need of a great country.

There was a time when our people covered the whole land as the waves of a windruffled sea covers its shell-paved floor. But that time has long since passed away with the greatness of tribes now almost forgotten. I will not mourn over our untimely decay, nor reproach my paleface brothers for hastening it, for we too, may have been somewhat to blame.

When our young men grow angry at some real or imaginary wrong, and disfigure their faces with black paint, their hearts, also, are disfigured and turn black, and then their cruelty is relentless and knows no bounds, and our old men are not able to restrain them.

But let us hope that hostilities between the Red Man and his paleface brothers may never return. We would have everything to lose and nothing to gain.

True it is, that revenge, with our young braves is considered gain, even at the cost of their own lives. But old men who stay at home in times of war and mothers who have sons to lose, know better.

Our great father, Washington, for I presume he is now our father as well as yours, since George has moved his boundaries to the North—our great and good father, I say, sends us word by his son, who, no doubt, is a great chief among his people, that if we do as he desires he will protect us.

His brave armies will be to us a bristling wall of strength, and his great ships of war will fill our harbors so that our ancient enemies far to the northward—the Simsiams and Hydas—will no longer frighten our women and old men. Then he will be our father and we will be his children.

But can that ever be? Your God is not our God! Your God loves your people and hates mine! He folds His strong arms lovingly around the white man and leads him as a father leads his infant son—but He has forsaken his red children. He makes your people wax strong every day and soon they will fill all the land; while my people are ebbing away like a fast receding tide that will never flow again. The white man's God cannot love His red children or He would protect them. They seem to be orphans who can look nowhere for help.

How, then, can we become brothers? How can your Father become our father and bring us prosperity and awaken in us dreams of returning greatness?

Your God seems to us to be partial. He came to the white man. We never saw Him, never heard His voice. He gave the white man laws, but had no word for His red children whose teeming millions once filled this vast continent as the stars fill the firmament.

No. We are two distinct races, and must ever remain so. There is little in common between us.

The ashes of our ancestors are sacred and their final resting place is hallowed ground, while you wander away from the tombs of your fathers seemingly without regrets.

Your religion was written on tablets of stone by the iron finger of an angry God, lest you might forget it. The Red Man could never remember nor comprehend it.

Our religion is the traditions of our ancestors—the dreams of our old men, given to them by the Great Spirit, and the visions of our Sachems, and is written in the hearts of our people.

Your dead cease to love you and the homes of their nativity as soon as they pass the portals of the tomb. They wander far away beyond the stars, are soon forgotten and never return.

Our dead never forget the beautiful world that gave them being. They still love its winding rivers, its great mountains and its sequestered vales, and they ever yearn in tenderest affection over the lonely-hearted living, and often return to visit and comfort them.

Day and night cannot dwell together. The Red Man has ever fled the approach of the white man, as the changing mist on the mountain side flees before the blazing morning sun.

However, your proposition seems a just one, and I think that my folks will accept it and will retire to the reservation you offer them, and we will dwell apart and in peace, for the words of the Great White Chief seem to be the voice of Nature speaking to my people out of the thick darkness that is fast gathering around them like a dense fog floating inward from a midnight sea.

It matters little where we pass the remainder of our days. They are not many. The Indian's night promises to be dark. No bright star hovers above his horizon. Sad-voiced winds moan in the distance. Some great Nemesis of our race is on the Red Man's trail, and wherever he goes he will still hear the sure approaching footsteps of the fell destroyer and prepare to meet his doom, as does the wounded doe that hears the approaching footsteps of the hunter.

A few more moons, a few more winters, and not one of all the mighty hosts that once filled this broad land or that now roam in fragmentary bands through these vast soli-

tudes or lived in happy homes, protected by the Great Spirit, will remain to weep over the graves of a people once as powerful and as hopeful as your own!

But why should I repine? Why should I murmur at the fate of my people? Tribes are made up of individuals and are no better than they. Men come and go like the waves of a sea. A tear, a tamanamus, a dirge and they are gone from our longing eye forever. Even the white man, whose God walked and talked with him as friend to friend, is not exempt from the common destiny. We may be brothers after all. We shall see.

We will ponder your proposition, and when we have decided we will tell you. But should we accept it, I, here and now, make this the first condition, that we not be denied the privilege, without molestation, of visiting at will the graves of our ancestors and friends.

Every part of this country is sacred to my people. Every hillside, every valley, every plain and grove has been hallowed by some fond memory or some sad experience of my tribe. Even the rocks, which seem to lie dumb as they swelter in the sun along the silent shore in solemn grandeur thrill with memories of past events connected with the fate of my people, the very dust under your feet responds more lovingly to our footsteps than to yours, because it is the ashes of our ancestors, and our bare feet are conscious of the sympathetic touch, for the soil is rich with the life of our kindred.

The sable braves, and fond mothers, and glad-hearted maidens, and the little children who lived and rejoiced here and whose very names are now forgotten, still love these solitudes and their deep fastnesses as eventide grows shadowy with the presence of dusky spirits.

And when the last Red Man shall have perished from the earth and his memory among white men shall have become a myth, these shores will swarm with the invisible dead of my tribe and when your children's children shall think themselves alone in the field, the store, the shop, upon the highway, or in the silence of the woods, they will not be alone. In all the earth there is no place dedicated to solitude.

At night, when the streets of your cities and villages shall be silent and you think them deserted, they will throng with the returning hosts that once filled and still live this beautiful land.

The white man will never be alone. Let him be just and deal kindly with my people, for the dead are not powerless.

Mr. EHLERS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, may I inquire about the amount of time I have remaining?

The SPEAKER pro tempore (Mr. MCCOTTER). The gentleman from New Jersey has 12 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume, and I do not intend to use all the time, but I do want to speak out about the National Museum of the American Indian.

First of all, let me say that 15 years after Congress passed legislation calling for the establishment of a National Museum of the American Indian, we finally arrive today at the day when American Indians have a place to call their own in the Nation's Capital. I had the opportunity today to witness most of the procession that took place beginning at 9 a.m. and then the opening

ceremony at 12 noon, and then the opportunity this afternoon to go and visit the museum itself. So I want to talk a little bit about my firsthand experiences today and why I think it is so significant that this museum has finally opened.

When I was talking to Native Americans today, some of whom I had met before, some of whom I had not, they all seemed to say the same thing, which is, finally, finally, the day had come when they were going to be recognized in this museum. I asked some of them what they meant by that, and they pretty much said the same thing, which was that for a long time in these United States, Native American culture was not paid attention to.

Many people, I would say, particularly on the East Coast, are not even aware of the fact that Native American communities continue to exist. It is almost as if they are something that happened and occurred a long time ago, maybe 100 years ago, and now there is very little knowledge on the part of many Americans about Native Americans or their communities. So the museum seeks to change all that.

When I went through the museum today, there was, of course, reference to the genocide that occurred, there was, of course, reference to, I remember one particular place where there is a wall that talks about how so many Native Americans were wiped out through diseases when Europeans arrived. But, generally speaking, it was not so much a museum about the past, it was much more a museum about communities that exist today, the peoples that exist today, the cultures that exist today, and the uniqueness of them and how there is so much variety between the various tribes and Indian nations, not only in the United States, but in all of the Americas.

So the museum has become an affirmation of the fact that Native Americans and their communities not only continue to exist, but are growing and are vibrant and are an important part of American culture. I think that is a lesson that is certainly important for nonNative Americans. In the museum today, most of the people seemed to be American Indians, but there were certainly a lot of people who were not, and the museum serves as a way of explaining to them how the Native American culture continues to exist and survive and strive and move forward.

I have to also say that looking at the museum, the artwork was just unbelievable, not only in terms of traditional culture, such as baskets, mocasins, clothing, and blankets, but also in terms of modern art, like abstract art and abstract paintings. It truly is a museum that encompasses the entire spectrum of the Native American culture. So I just want to say that when I went down there today and witnessed the museum, I just felt that this was sort of the culmination of the artistic achievement of the Native American culture in the United States.

The other thing that was so significant was the opening ceremony today. I think they estimated there were over 10,000 native peoples that participated in the opening ceremony. They were arranged alphabetically by tribe. And when you saw them march, you could see the pride in their faces, you could see the children that were learning from the experience, you could see the elders that were so proud to be there, and the various cultures in just watching that procession with the various tribes.

I do not know how many tribes were represented. I am sure there had to be hundreds, not only from the United States, but also throughout the Americas. I saw Incas from Peru, I saw people from the extreme southern part of South America, and I saw Arctic peoples. It was just truly amazing.

So I just want to close today, although I do see we have another speaker that I will yield some time to, but I want to close today by saying on my behalf, and also on behalf of the Native American Caucus, of which I am one of the vice chairs, we want to welcome the thousands of Native Americans that came to Washington to celebrate the opening of the National Museum of the American Indian, and certainly ask my colleagues here in the House to join in the celebration this week and take time to reflect now upon the rich culture of Native Americans.

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

Mr. EHLERS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I appreciate the opportunity to talk on this resolution because I think it is a long time in coming. Our treatment of the first people in this country has been abysmal. We are largely ignorant of what their culture was or that there was a culture, and this is now an opportunity to redress what I think has been a serious error that has been made by the United States.

What is amazing about this is that it is not over. At the time of the last 8 years under President Clinton, a number of tribes tried to get their recognition. The Dowamish and Chinook tribes in the State of Washington went through the entire process in the Department of the Interior. They were given their status as recognized tribes in this process. The President signed the order creating this relationship with the Chinooks and the Dowamish, and when the new administration came in, one of the very first things they did was reach back into the desk drawer and wipe out the Dowamish tribe. They do not exist any more, to this administration.

Now, I come from a city called Seattle, that is a corruption of the name of the Chief of the Dowamish tribe, Sealth. Chief Sealth was a Dowamish.

He lived in this country when everybody arrived. He helped those people who came into Puget Sound all by themselves. And, in fact, he gave his name to the city. He made a speech once where he said, "When I met the great white father, I didn't know the land was his. I thought that God gave us, the great spirit gave us the land to live in and to share and to leave it in better condition than when we found it." That kind of wisdom is in that museum, and you will see it.

However, the fact is there are still wrongs that need to be righted. This Congress needs to advance a bill, which we put in a couple of years ago and no one ever wants to even have a hearing on. We want to be out here glorify the opening of a museum. And it is a good thing the museum was started before this administration got in place, or it never would have happened. I believe that there are these kind of grievances that people need to go and find out about.

We took their land. We created treaties with people who did not really understand how skillful we were with words, but they took us at our words and they have tried to live with us. But the fact is that we still continue to leave the Dowamish without their recognition and Chief Sealth is a man without a tribe.

□ 1945

That is wrong. We should fix that, too.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wanted to join my colleagues out of respect for the final reckoning and recognition of those who were first on this land. So many times as we speak on the floor of the House we are engaged in the tumultuous challenges of diversity and opportunity, and we raise the claims of African-Americans, Hispanics, Asians and many others who in this 20th and 21st century have faced challenges.

I want to acknowledge Native Americans as individuals who have experienced challenges and obstacles throughout the centuries. In the backdrop of those obstacles, however, has been an outstanding and wonderfully enriched culture and heritage. I have had the opportunity of visiting the Pueblos in New Mexico and working with various Members of this body on issues dealing with our Native American community.

I salute them for their strength, their love of country and what they have added to the richness of America. We would not be America had it not been for this vital part of our history. What better tribute than this magnificent museum which will eventually be part of fixing the history of America. We have not yet done that. There are many pieces of the puzzle that we have left out.

Just recently, in Houston, we have finally come to acknowledge the importance of having an African-American

history museum in that city. Each time, we are continuing to put the pieces together. I am so grateful to the leaders of this Congress and the authors of the legislation who were able to move this Congress to establish this great museum. Let me say, come one, come all, come to the Nation's capital to understand how America is made much more whole and how we can love, cherish and respect the history of Native Americans.

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

Mr. Speaker, it is my pleasure to wrap up this debate. I thank my colleagues for their fine speeches and good comments that have been made. However, I must express my concern that the gentleman from Washington State tarnished this joyous event by raising partisan issues, and I certainly dispute the gentleman's statement that the current President of the United States would have stopped the construction of this museum if he had been able to. That is certainly a wrong assumption, and I am sorry that statement was made.

I want to speak on behalf of the full Congress and say we are very pleased to join the Smithsonian and the Native American community in this country by celebrating the completion of this museum. It will be a tremendous asset to this country in understanding the first human inhabitants of this continent, and I hope everyone who proceeds through the museum will regard with great reverence and respect the history of the American Indian and learn a great deal about the founders of this country and who established the first governments. I am very pleased to be able to participate in this event.

Mr. CARSON of Oklahoma. Mr. Speaker, this week, thousands of indigenous people from across the Western Hemisphere have come to Washington, DC. It is arguably the largest gathering of native people in U.S. history. By planes, cars, metro, and on foot, native people have come to celebrate the opening of the National Museum of the American Indian. The museum is a stunning and long overdue tribute to indigenous people across this land.

It is entirely fitting and appropriate that the National Museum of the American Indian join the United States' other national treasures, and take its place among the family of Smithsonian museums on the Mall. For, the history and culture of our nation is inseparable from the history and culture of Indian people.

Through centuries of great hardship, Indian people have struggled to maintain their social and cultural identity. The museum opening marks a revolution in this struggle, for it is a reclaiming of native identity. It is the culmination of thousands of hours of work by Indian people to tell their story. It links the past, present, and future of Indian people in a way that visitors can experience and understand the native perspective. The design and construction of the museum, itself, reveals an animate, live entity. And inside visitors find the living cultures of Indian people in language, history, dance, arts, cultural values, and spirituality.

As a Representative of Oklahoma, the State historically known as Indian Country, and as a member of the Cherokee Nation, I am deeply honored to join the native community in witnessing and welcoming this historical event, for the opening of the National Museum of the American Indian celebrates what was once despised, and honors what our Nation for too long tried to eradicate.

It is my hope, the location and majesty of the museum will today—and forever—remind lawmakers on Capitol Hill of the United States legal and moral responsibilities to Indian nations. For we must never forget to honor and recognize all that Indian tribes contribute and have sacrificed.

Mr. GRIJALVA. Mr. Speaker, I rise today on behalf of all the tribal people of my district and of Arizona to commemorate the opening of the American Indian Museum today in Washington, DC. This is an historic moment when at long last the indigenous peoples of this continent have a place to call their own on our National Mall and in our national consciousness.

The museum is not a place that will display relics of the past, but a living monument to the multitudes of cultures, arts, and languages that exist in the Americas. This museum will be a "living legacy" to those who have come before, and a gift to those who will be born in the future.

This morning I had the honor of seeing the procession of Native American people on the National Mall. Tens of thousands of people from every corner of this continent filled the Mall. They have come to make a ceremonial and symbolic journey, representing the millions of native people who live and thrive in the Americas.

But, while we honor this monument to our native peoples today we must not forget the ongoing struggle these communities face to retain their dignity in face of poverty, unemployment, lack of access to adequate healthcare, among other issues.

For example, the infant mortality rate is 150 percent greater for Indians than that of White infants. Indians have the highest prevalence of Type-2 diabetes in the world, and are 2.6 times more likely to be diagnosed with diabetes. Indians have a life expectancy 5 years less than the rest of the U.S. population.

The United States has a longstanding trust responsibility to provide health care services to American Indian and Alaska Natives. As a society, we can and we must take action to address the disparity and distress many of these communities face.

So on this occasion, I ask my fellow Members of Congress to join me in honoring the opening of the American Indian Museum, and I also ask you to join me in seeking to address some of the difficulties facing our native population in order to truly honor the first Americans.

Mr. EMANUEL. Mr. Speaker, I proudly rise to recognize the American Indian Center of Chicago, the longest-running urban Indian organization in the country and the leader of the National Urban Indian Family Coalition. I would like to congratulate the American Indian Center on its family oriented activities and publication of the new book "Chicago's 50 Years of Powwows." I would also like to congratulate them on the special honor of being selected by the Smithsonian Institute as the only organization representing contemporary

urban American Indians to be featured in the opening of the new Smithsonian's National Museum of the American Indian. This museum celebrating the past and present of American Indians, and their rich history, opened today.

The American Indian Center of Chicago is showcased in the new Smithsonian's National Museum of the American Indian exhibit *Our Lives: Contemporary Life and Identities*. Our Lives presents the American Indian culture from a first voice perspective and tells stories of modern American Indian communities, examining the personal and collective identities of American Indian peoples in the 21st century.

The American Indian Center of Chicago was organized in 1953 by the Chicago American Indian community, in response to the Indian Relocation Act. That bill brought an influx of American Indians to Chicago, which soon became home to individuals from more than 50 tribes, including Oneida, Ojibwa, Menominee, Sac and Fox, Potawatomi, Lakota, Navajo, Blackfoot, Papago, and many others.

Throughout its history, the American Indian Center has been the principal cultural resource for American Indians in Chicago, promoting cultural awareness and cultural education within and outside the American Indian community. Over the years the center has hosted powwows, potlucks, bingo, birthdays, special celebrations, wakes and commemorative dinners, and many other special events.

Today, the American Indian Center of Chicago is a family-focused urban center and educational organization. It is also the cultural institution where the richness of American Indian traditions and culture are celebrated. The center serves as a model for other American Indian organizations in the country.

Mr. Speaker, on this historic day marking the opening of the new Smithsonian's National Museum of the American Indian on the National Mall, I wish to congratulate the American Indian Center of Chicago on its leadership and work with the American Indian community, and high honor of being selected by Smithsonian as part of its grand opening exhibits. On this remarkable day, I am proud to join the American Indian people of my district, as well as those of American Indian descent throughout the country, in celebrating this historic event.

Mr. REYES. Mr. Speaker, I rise today in strong support of S.J. Res. 41, commemorating the opening of the Smithsonian's National Museum of the American Indian.

For the first time in our Nation's history, the American public is being provided with a venue in which they can explore and develop a deeper understanding of this rich culture, its history, and the issues that affect these communities. Our Native American citizens have long been awaiting this day.

My district is fortunate to have one of the three Native American reservations in Texas. The Tiguas of Ysleta del Sur founded one of the oldest communities in the Southwest over 300 years ago. They have faced many hardships, but they continue to thrive and persevere as a united community. It is a great honor to have the Tiguas share their rich culture and history with the El Paso community, and I am glad to see that all Native American communities will now be able to do the same with the rest of the Nation in this beautiful new museum.

Mr. Speaker, I encourage all Americans to visit the National Museum of the American Indian when in Washington, DC, and I urge my colleagues to show their support for this very worthy resolution.

Mr. RAHALL. Mr. Speaker, I rise today to congratulate our first Americans on this, the long awaited opening day of the National Museum of the American Indian. If, indeed, the last shall be first, this is a fine example as this museum dedicated to our first Americans is located on the last spot open on the National Mall.

This a joyous day. At this very moment, thousands of native Americans who traveled from all the corners of our country, Canada, and South America are participating in a procession on the Mall leading to the museum itself. They are dressed in unique traditional attire, stopping along the way to celebrate with dance, song, and drums.

I am honored to say that as a member of the Interior and Insular Affairs Committee, I worked with then Chairman Mo Udall on the legislation to build a museum devoted solely to the culture, art, and history of our Native Americans. Although Mo is no longer with us, I am certain that he is smiling down upon us today.

I encourage everyone to visit this magnificent National Museum of the American Indian and use its resources to learn about the rich history and legacy of Native Americans, as well as contemporary Indian life. I promise your lives will be enriched by the experience.

Mr. MATHESON. Mr. Speaker, I rise in celebration of today's opening of the National Museum of the American Indian—a historic event that is long overdue. My congressional district contains lands of the Navajo Nation, the Southern Utah Paiutes, and the Northern Ute Indian Tribe—people who understand all too well the atrocities that Native Americans have experienced at the hand of our Federal Government.

The opening of this museum is a bold step toward the United States becoming a nation that understands the history of its people and celebrates the uniqueness of native cultures in its society. My hope is that the museum will help foster and maintain this understanding for “as long as the rivers shall run and the grass shall grow.”

The designing of the National Museum of the American Indian was indicative of the cooperative and inclusive process that the Federal Government should always use when working with Native American tribes. I am proud of the collaborative efforts of all of the people who worked to make this museum a success, and I welcome the many Utahns who join me in celebrating this joyous occasion.

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

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

The SPEAKER pro tempore (Mr. McCOTTER). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 41.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S.J. Res. 41.

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

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. REYNOLDS (during debate on Senate Joint Resolution 41), from the Committee on Rules, submitted a privileged report (Rept. No. 108-692) on the resolution (H. Res. 780) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2028, PLEDGE PROTECTION ACT OF 2004

Mr. REYNOLDS (during debate on Senate Joint Resolution 41), from the Committee on Rules, submitted a privileged report (Rept. No. 108-693) on the resolution (H. Res. 781) providing for consideration of the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance, which was referred to the House Calendar and ordered to be printed.

UNSCRUPULOUS TACTICS ON MILITARY BASES

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to commend the gentleman from Ohio (Mr. OXLEY) of the Committee on Financial Services for his leadership in addressing the unscrupulous tactics of life insurance salesmen at our military bases.

During a recent Committee on Financial Services hearing, we learned that greedy insurance companies are selling enlisted men as young as 19 years of age expensive life insurance policies which actually pay out less than \$30,000. These young men and women are forced to attend “financial courses” held by these salesmen who are usually former military men, men that these young men and women look up to.

Young GIs, who are being taught to trust their commanding officers, are

deceptively told they are enrolling in savings accounts and are given papers that they are not permitted enough time to look over. They are ordered to sign here without question.

Protecting those who protect us certainly is a bipartisan priority, and I look forward to working with the gentleman from Ohio (Mr. OXLEY) and the other members of this committee on this very important issue.

HONORING TOM JOYNER

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to salute our friend Tom Joyner of the Tom Joyner Morning Show for his national campaign of Take a Loved One to the Doctor.

Today, in my congressional district, I had the pleasure of visiting two of our large multi-service centers that are in our communities that hosted health fairs in order for the community to come to medical professionals.

Mr. Speaker, 44 million people in America are uninsured. Our children are losing the valuable CHIPS program in Texas and many other States. This administration is cutting the dollars for children's health insurance programs, and that is why I applaud Tom Joyner for sending out a message all over the Nation for those who are uninsured to come and be tested this day.

I put the phrase, Take a Loved One to the Doctor, but Love Yourself and Go to the Doctor. Mr. Speaker, it is time to focus on the needs of health care of all Americans. We thank Tom Joyner for his understanding and leadership, reaching out with his media to ensure and enhance the life and opportunities of good health for all Americans.

Mr. Speaker, I thank Tom Joyner and the Tom Joyner Morning Show and the staff for their good efforts.

THREE TRILLION IS A BIG NUMBER

(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, 3 trillion is a very, very big number. Astronomers think there may be a tenth planet 3 trillion miles from the earth. Astronomers are using the biggest telescopes on earth to peer into the darkness of space. Something out there is causing a wobble in passing comets 3 trillion miles away.

But here on earth, the President's plan to spend \$3 trillion over the next 10 years is causing a wobble in the U.S. economy and a black hole in the budget deficit.

Mr. Speaker, Members do not need binoculars to see it or astronomers to explain it. It is not a tenth planet; it is

the Republican economics by a Congress controlled by Republicans and the White House. At the rate this economy is going, the phrase "to infinity and beyond" will stand for where the deficit is going; but it is only going to go until the second of November.

PRESIDENT BUSH VISITS OHIO AGAIN

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

Mr. BROWN of Ohio. Mr. Speaker, President Bush was again in Ohio in the last few days, a key battleground State, again trying to justify a failed economic policy, a policy where we have lost one out of six manufacturing jobs in our State, a policy where we have lost 150 jobs every single day of the Bush administration, yet the President's answer continues to be the same old tired bromides, tax cuts for the wealthiest Americans. Taxpayers who make \$1 million a year, they get a \$123,000 tax cut, hoping it trickles down to create new jobs. That has not worked.

The other President Bush answer to bad economic times is more trade agreements that ship jobs overseas. In fact, this body is coming back in a lame duck session in November, probably to try to pass a Central American Free Trade Agreement to expand the failed policies of the North American Free Trade Agreement.

Mr. Speaker, we need a new economic direction in my State of Ohio where we have lost more than 200,000 jobs. We need a new economic direction in this country.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DEGRADATION OF THE DEMOCRATIC PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I am here to protest what has become a significant degradation of the democratic process in this House. We have a situation in which the House leadership has turned the legislative process into a propaganda arm. With increasing and depressing frequency, we are given resolutions to vote on in a form which does not allow for amendments, and these resolutions contain a mix of the good, the bad and the ugly.

What we have is a pattern of taking sentiments to which all Members of the House or nearly all Members subscribe, sentiments which are quite proper, and

then adding into these sentiments are far more controversial sentiments, sentiments that many of us disagree with.

It is an abuse of the process of democracy to bring forward on this floor resolutions which combine those things with which Members agree with things which are controversial in a form which does not allow Members to even begin to separate them.

There are, for good reasons, parliamentary rules and ways through which Members can express partial agreement. We can amend. We can divide the question. But when bills are brought here under suspension of the rules, as they often are, the legislative process is turned into a political propaganda machine. What happens is Members feel coerced into voting in very large numbers for particular sentiments which could not in many cases get a majority on their own and certainly could not get majorities of the size that they get.

□ 2000

And then having gotten that, people will say, see, everybody agrees with that. Most recently this happened on September 9 when we voted on the resolution brought out of the Committee on International Relations dealing with the terrible events of September 11, 2001; and I will insert this in the RECORD, appropriately marked. It has resolve clauses that we all agree with, but it also has a series of "whereas" clauses which include a number of things which are extremely controversial, in my view, untrue, and unworthy of being put through in this coercive fashion.

Paragraphs 4 and 5, which I have noted on my copy of the resolution, treat the war in Iraq as part of the global war on terrorism. It has been made increasingly clear, most recently by our colleague who is now waiting confirmation as head of the CIA, that statements by administration officials tying Iraq to the September 11 situation were simply not true. Yet this resolution acts as if they were. This resolution implicitly reaffirms the increasingly discredited notion, believed, I think, by almost nobody except possibly the Vice President because he talks about it all the time, that said that there was a direct link between September 11 and Iraq.

And it is wrong to coerce Members to vote for statements that falsely assert this claim because otherwise they will be accused of not caring about the events of September 11.

Then on paragraphs 15 through 21, we have inappropriate celebratory language. If we read these paragraphs, we have solved the problems of immigration and terrorism. We are examining all the cargo. We have taken care of everything. We have "whereas" clauses here that look like part of the President's reelection campaign. He is entitled to a reelection campaign. He is not entitled to take things that belong in a reelection campaign statement and

bundle them into an otherwise non-controversial resolution to coerce people into voting for him.

This congratulates us, for example, that we have extended our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry. It talks about the great success of the Terrorist Threat Integration Center. Frankly, if one read this resolution and believed it, they would not need the 9/11 Commission report. These paragraphs basically celebrate the accomplishments of what the 9/11 Commission points out need to be done.

We have congratulations to the Immigration Service, congratulations to the FBI, congratulations to the Coast Guard. There are very hard-working decent people trying hard to accomplish these things, but we have not done them yet. These things, if they had been brought forward on their own as statements, would have been rejected, I believe.

It is absolutely wrong to take these inaccurately self-congratulatory statements about the administration's performance and our own performance here in Congress and get votes for them because otherwise people would be accused of not wanting to express our horror of September 11 and our thanks to those who worked so hard against it.

So, Mr. Speaker, because I did not think that the war in Iraq was part of the war on terror, I do not think we deserve to claim "mission accomplished" with regard to the fight against terrorism, I voted against this resolution. And I hope we will stop this practice of giving a bait-and-switch approach to legislation.

H. RES. 757, IN THE HOUSE OF REPRESENTATIVES, U.S., SEPTEMBER 9, 2004.

Whereas on September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C., and a fourth was prevented from also being used as a weapon against America by brave passengers who placed their country above their own lives;

Whereas three years later the country continues to, and shall forever, mourn the tragic loss of life at the hands of terrorist attackers;

Whereas by targeting symbols of American strength and success, these attacks clearly were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve;

4

Whereas three years after September 11, 2001, the United States is fighting a Global War on Terrorism to protect America and her friends and allies;

5

Whereas since the United States was attacked, it has led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq while using diplomacy and sanctions in cooperation with Great Britain and the international community to lead a third terrorist regime in Libya away from its weapons of mass destruction;

Whereas the United States is reorganizing itself in order to more effectively wage the

Global War on Terrorism by transforming the Department of Defense, sharpening the Federal Bureau of Investigation's counterterrorism focus, strengthening the authority of the Director of Central Intelligence to coordinate national intelligence activities, and creating a Department of Homeland Security;

Whereas of the senior al-Qaida leaders, operational managers, and key facilitators that the United States Government has been tracking, nearly two-thirds of such individuals have been taken into custody or killed;

Whereas just as significant, with the help of its allies, the United States has disrupted individuals and organizations that facilitate terrorism—movers of money, people, messages, and supplies—who have acted as the glue binding the global al-Qaida network together;

Whereas Pakistan has taken into custody more than 500 members of al-Qaida and the Taliban regime, including Khalid Sheik Mohammed and Ramzi bin al Shibh, conspirators in the September 11, 2001, attacks, and Kahallad Ba'Attash, an individual involved in the planning of the attack on the USS COLE in 2000;

Whereas Jordan continues its strong counterterrorism efforts, arresting two individuals with links to al-Qaida who admitted responsibility for the October 2002 murder in Amman, Jordan, of Lawrence Foley, a United States Agency for International Development Foreign Service Officer;

Whereas in June 2002, Morocco took into custody al-Qaida operatives plotting to attack United States Navy ships and ships of other member nations of the North Atlantic Treaty Organization in the Strait of Gibraltar;

Whereas the United States and its allies in Southeast Asia have made significant advances against the regional terrorist organization Jemaah Islamiyah, which was responsible for the attack in Bali, Indonesia, in October 2003 that killed more than 200 people;

Whereas Singapore, Indonesia, the Philippines, Thailand, and other countries in Southeast Asia have taken into custody leaders and operatives of local al-Qaida-affiliated terrorist organizations and members of al-Qaida traveling through such countries;

Whereas the United Kingdom, France, Germany, Italy, Spain, and other countries have disrupted cells of the al-Qaida terrorist organization and are vigorously pursuing other leads relating to terrorist activity;

15

Whereas following the attacks of September 11, 2001, the United States Government initiated innovative programs, such as the Customs-Trade Partnership Against Terrorism program and the Container Security Initiative, to extend our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry;

16

Whereas the Department of Homeland Security implemented the US-VISIT border security screening system in December 2003 at all air and sea ports of entry, requiring that nonimmigrant visa holders entering the United States be fingerprinted and screened through various criminal and terrorist databases before entry into the United States, and this system will be expanded to land ports of entry in accordance with congressional deadlines;

17

Whereas since September 11, 2001, the Coast Guard has conducted more than 124,000 port security patrols, 13,000 air patrols, boarded more than 92,000 vessels, interdicted over 14,000 individuals attempting to enter

the United States illegally, and created and maintained more than 90 Maritime Security Zones;

18

Whereas following attacks of September 11, 2001, the Terrorist Threat Integration Center was established, which now fuses, for the first time in United States history, terrorist-related information, foreign and domestic, available to the United States Government for systematic analysis and dissemination to prevent or disrupt terrorist attacks on the United States;

19

Whereas following the attacks of September 11, 2001, the Terrorist Screening Center, a multi-agency partnership, was established to integrate the dozens of separate terrorist databases that existed before September 11th into a single terrorist watch list for use by Federal, State, and local law enforcement, intelligence, and border security personnel.

20

Whereas following the attacks of September 11, 2001, the United States Government has ensured the hardening of cockpit doors on airplanes and greatly expanded the use of armed Federal air marshals to prevent and deter future hijackings that could turn commercial planes into weapons of mass destruction;

21

Whereas having recognized the need to prevent terrorist organizations from using their resources, the Federal Bureau of Investigation has worked closely with the Department of the Treasury to target 62 terrorist organizations and freeze \$125,000,000 in assets of such organizations worldwide used to fund terrorist activities;

Whereas to date United States Armed Forces and Coalition forces have killed or captured 43 of the 55 most wanted criminals of the Saddam Hussein regime in Iraq, including Saddam Hussein himself;

Whereas the al-Zarqawi terror network used Baghdad as a base of operations to coordinate the movement of people, money, and supplies; and

Whereas thousands of families have lost loved ones in the defense of freedom and liberty against the tyranny of terror: Now, therefore, be it

Resolved: That the House of Representatives—

(1) extends again its deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(2) honors the heroic actions and the sacrifices of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the Global War on Terrorism;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks;

(5) discourages, in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith;

(6) reaffirms its commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely;

(7) vows that it will continue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities; and

(8) reaffirms that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorist demands.

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentleman from Oklahoma (Mr. COLE) is recognized for 5 minutes.

(Mr. COLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

TENNESSEE'S ECONOMY AND HEALTH SAVINGS ACCOUNTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, virtually every day JOHN KERRY and his campaign are telling America that our best days are not ahead, that our economy is not growing, and that President Bush has not waged a tough war on terrorism. Fortunately, most Americans, as we hear when we are out in our districts, as we see in the polls, most Americans are seeing through Candidate KERRY's empty rhetoric.

For the past several months, our economy has shown strong growth. I have here with me tonight an article from the National Tennessean. It is headlined "Nashville area added 11,308 in fiscal year 2003-2004." The article notes that these 11,308 jobs are five times last year's total. Mr. KERRY may not want people to know, but this is an indication of real economic growth and what is happening out there in the heartland.

No matter what JOHN KERRY or CBS might tell us, President Bush and this Congress are making the right decisions for our economy and for the war on terrorism.

Another subject that has been getting a great deal of attention from the left is health care, specifically the Health Savings Accounts that were created last year by this body. And for months KERRY and the Democrats have been calling choice, flexibility, and ownership in health care a bad idea. But they are absolutely wrong. The Health Savings Accounts are all about giving the consumer power over their health coverage, over health decisions, and over those precious health care dollars.

Republicans do not favor a one-size-fits-all universal health care system. We understand what a one-size-fits-all system does. We know that that would mean universally poor care that leaves consumers basically with no power and no rights in the management of their own health coverage and their own health decisions.

Outside the Beltway, people are excited about Health Savings Accounts, personal health accounts. This editorial from the National Business Journal is titled "Health Savings Plans Can Help Business." This recognizes that small businesses will be able to offer health care to employees in a way that reduces paperwork and empowers the employee. As the editorial states: "This is part of an ownership society," something that we are hearing the President talk about daily. An ownership society. What this means is more health care coverage, more options, more power for consumers in those personal health accounts, and we think that that is a very good idea.

In another article that I have, this time from the Memphis Business Journal, the other end of my district, it has said that the new health care items, this is what is "getting the enthusiasm," is the health savings accounts. And why? Because they function like a health care IRA, giving consumers ownership over a tax-free account. What a great idea.

Mr. Speaker, regardless of what Candidate KERRY and the liberal left would tell us, it is clear that Americans are increasingly aware of what President Bush and the Congress have done to reinvigorate our economy, to expand health care options, and to win the war on terror. Faced with the horrific attacks on America, a trillion dollar hit to our economy, and a preexisting recession, the Bush administration and this Republican Congress have made significant strides in the right direction. And that is something we are looking forward to continuing in the year ahead.

SMART SECURITY AND IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, as thousands of our brave American soldiers continue to fight and die and receive serious wounds halfway around the world, I want to speak about two Iraqs that are presented to the American people.

There is the Iraq that President Bush and his administration want people to see, the one that is supposedly one small step away from becoming a peaceful democracy. And then there is the real Iraq, the quagmire halfway around the world that the rest of us know.

In President Bush's Iraq, the war was never a mistake, never a failure, and never something to question, much less

regret. The same war, which as of today has caused the deaths of 1,027 American soldiers and seriously wounded at least seven times that many, not to mention the thousands of Iraqi civilians that have been killed, President Bush says he would have gone to war in Iraq even if had he known 2 years ago what he knows now.

That means he would have gone to war knowing that Iraq did not have a nuclear weapons program. He would have gone to war knowing that Saddam Hussein never harbored al Qaeda terrorists, and he would have gone to war knowing that thousands of our young soldiers would be killed. Somehow, and I do not know how, somehow President Bush fails to recognize the death, destruction, and deprivation that his war has caused.

The rest of us see a different Iraq than President Bush. In the real Iraq, America preemptively waged a war that was never a war of necessity and never a war to protect our Nation. Instead, President Bush and the Republican-controlled Congress led this country into a war that U.N. Secretary General Kofi Annan recently called "illegal."

In the real Iraq, hundreds of soldiers have died because they were not given the battle armor that would have stopped bullets from entering their bodies, even after Congress made funds available for that very specific purpose. This was a drastic mistake made by the Pentagon.

In the real Iraq, President Bush, as Commander in Chief, has failed to properly address the insurgency that is killing scores of troops and civilians every day. This is a failure that could have and should have been addressed during the planning stages of the war.

In the past week, four Republican Senators have bucked their party line and acknowledged the sweeping problems that exist in the real Iraq. Senator CHUCK HAGEL of Nebraska said, "I don't think we're winning . . . we're in trouble. We're in deep trouble."

Senator RICHARD LUGAR, chairman of the Senate Foreign Relations Committee, went further. When asked why only \$1 billion of the \$18 billion appropriated for Iraq's reconstruction has been spent, he said, "Well, this is the incompetence of the administration."

This did not have to be an unmitigated disaster. But Iraq is woefully unstable largely due to planning failures by the Bush administration: the failure to enlist most of our allies as partners in the war, the failure to anticipate the anger and intensity of the insurgency, and the failure to allocate the billions of dollars in reconstruction funds that could have helped secure that country.

Fortunately, we have opportunities to fix this awful mess. Earlier this week Senator JOHN KERRY offered a better, smarter solution to fixing the real problems in Iraq. JOHN KERRY's plan includes soliciting and enlisting support from our allies, properly training Iraq's security forces, and carrying

out a viable reconstruction plan that truly involves the Iraqi people, instead of giving companies like Halliburton the benefit of America's investment, while leaving Iraqi companies without contracts and the Iraqi people without jobs.

We need to engage in smarter policies if we want to stop the bleeding in Iraq. That is why I have introduced H. Con. Res. 392, to create a smarter security resolution for the 21st century. SMART stands for Sensible, Multilateral American Response to Terrorism. With SMART security, we would not be in the mess that we are in today. SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships, and it controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXPRESSING OUTRAGE AT REPUBLICAN DOUBLE STANDARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the Nation is talking about Dan Rather, CBS, and the false National Guard memos. Republicans are saying that he misled the Nation, that it is a scandal that threatens our body politic. Congressional Republicans are talking about an ethics investigation. And yesterday on a radio show, Bill Bennett said the Dan Rather incident went beyond bias. He said, "This is corruption."

Let me tell the Members something. Dan Rather is going to get a whopping, and he deserves it. CBS has a black eye, and they earned it. There is no excuse for what happened. However, all this outrage from the self-righteous right wing of this country has taken hypocrisy to a new low.

Let me ask my colleagues where was the moral outrage and where is the moral outrage when the President of the United States here in the State of the Union at this podium used falsified evidence to allege in his State of the Union that Iraq had attempted to purchase yellow cake uranium from Nigeria?

□ 2015

Where is their moral outrage when Condoleezza Rice and DICK CHENEY repeatedly link Saddam Hussein and al Qaeda, all the while knowing that no evidence supports the claim?

Where is their moral outrage when our President said we would find tens

of thousands of pounds of chemical and biological weapons when we invaded Iraq, even though he knew there was no absolute proof?

Where is their moral outrage when we are told that Iraq purchased aluminum tubes in order to refine uranium, even though weapons experts said otherwise?

Where is their moral outrage when Paul Wolfowitz told the Congress that Iraqi oil money would pay for reconstruction, all the while knowing that the burden would be placed on the American taxpayers?

And where is their moral outrage when we discovered that the chief architects of the Iraqi war, Vice President CHENEY, Deputy Secretary of Defense Paul Wolfowitz, Douglas Feith, Richard Perle and Donald Rumsfeld, paid Mr. Ahmed Chalabi \$49 million in U.S. taxpayer money for faulty intelligence claiming that Iraq had mobile weapons labs and that we would be greeted as liberators? If this is how Iraqis greet liberators, they have a funny way of saying "welcome."

Mr. Speaker, the outrage of the self-righteous right over the falsified National Guard documents is nothing more than opportunistic partisan politics at its worst.

Did Dan Rather do wrong? Undoubtedly, and he is going to get what he deserves, as will CBS. Dan Rather deserves criticism and he should be held accountable.

But I fail to understand why Dan Rather's credibility has raised such a moral outrage, but the same critics cannot find that the President's credibility equals that of Dan Rather's. What civics class did they go to, where they learned that Dan Rather's credibility weighs more important to the fabric of this country than the President of the United States?

As far as I am concerned, both individuals have a piece of the public's trust; both individuals have to be accountable for what they say. Dan Rather said he was wrong and he will be held accountable. We have yet to hear that same explanation from the President of the United States.

I say this in all seriousness: I do not think the President of the United States takes it lightly. Dan Rather's poor judgment and false statements did not lead to where the country is today in Iraq and the cost we have paid both in lives and in our treasure. Time and again, this administration has used false statements and false documents to justify their actions, and America has paid dearly.

Mr. Speaker, my challenge to my friends on the right wing is, I will join you any time you want to condemn Dan Rather. If you want to have an hour debate here on the floor, I will be down there. But I offer you the invitation to come and join me any time you want to have an hour debate about the President's false statements and what he used to justify a war, knowing all the while that was not true.

Dan Rather will pay for this, as will CBS. But the President of the United States also has credibility, all of our credibility, and when it is misused, we all pay dearly for it.

So I ask the people on the right who usually talk about moral consistency to stop being so inconsistent in their moral relativism, where they see Dan Rather's credibility and his character as more important than that of the President of the United States. Understand that the President, our President, speaks for all of us, and his credibility is our credibility, and when we use it in front of the world and we are questioned from here forward because we no longer have told the truth and people do not believe us, we all pay a price that we are seeing every day in the news.

THE BUSH MEDICARE BILL'S DIRTY LAUNDRY

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I want to follow on the heels of the comments of the gentleman from Illinois (Mr. EMANUEL) about the Bush administration not telling the truth about Iraq and how much the country has paid for that and discuss how the President of the United States did not tell the truth about the Medicare bill and how, unfortunately, because of that, senior citizens of this country will be inflicted with the largest Medicare premium increase, 17.4 percent, that seniors have ever seen in the 38 years of Medicare's history.

On this chart we can look at what is entitled "Medicare Bill's Dirty Laundry." I want to talk for a moment how we got where we got, how this bill came to become law and led to that 17.4 percent premium increase that Medicare beneficiaries will be forced to pay.

First of all, the Medicare bill was written by the drug industry and the insurance industry, both industries having given the President of the United States tens of millions of dollars, and to the gentleman from Texas (Mr. DELAY) and Republican leadership, tens of millions of dollars for their political campaigns. So the legislation was written by the drug and insurance companies as a payback by the Republicans for the help that they had gotten from these industries.

Now, when the bill came to the floor of the House of Representatives, and everybody in this body remembers that night, the debate started at midnight, the votes started at 3 o'clock in the morning. The vote went for 2 hours 55 minutes as the Republican leadership attempted to bribe, as told the next day by one Republican Member, strong arm, twisted arms, waked up the President, got him on the phone with Members of Congress, campaign contributions flowed liberally to Republican

Members of Congress, and that vote, after 2 hours 55 minutes, the longest vote in Congressional history, two Members changed their vote at 5:55 in the morning and that Medicare bill barely passed.

Then the administration used tens of millions of dollars, of taxpayers' dollars, to try to convince the public that this was a good bill. At the same time we found out that this bill that was to cost \$400 million, we were told would actually cost about \$530 billion, from \$400 billion to \$530 billion. The President knew it, the head Medicare knew it, and they simply did not tell the people and the Congress of the United States. That is why we ended up with a 17 percent increase.

Then this was capped off by the fact that the President of the United States did not release this information about the 17 percent increase until they could almost do it in the dead of night. They chose a Friday afternoon right before the Labor Day weekend to announce to the public that, yes, this increase was going to be 17 percent.

Now, before the Bush Medicare bill became law, the nonpartisan Medicare trustees said the premium increase for 2005 for Medicare beneficiaries would be \$2. Instead, once the Bush Medicare bill became law, the premium increase jumped to \$11.60. The premium increase after the Bush Medicare law was more than five times larger than the previous premium increase was estimated to be.

So where does that money go? Where do the billions of dollars that come out of seniors' pockets on the one hand go? It comes out of seniors' pockets. By and large, it goes into the insurance company HMO pockets.

Insurance company HMOs had a 50 percent increase in profits last year. That is before the Medicare bill became law. In fact, that 17 percent largest increase in Medicare history premium goes directly into a \$23.5 billion slush fund for the insurance industry. The insurance industry, which enjoyed huge profit increases the year before, now is going to get a \$23.5 billion bonus, thanks to the increase in premiums for seniors.

So, Mr. Speaker, it makes a perfect circle. The Medicare bill is written by the drug companies and insurance companies; the bill passes Congress in large part because of huge contributions from the drug and insurance companies to the Republican leadership and to President Bush and to Republican rank and file members; the bill then means huge subsidies for the insurance companies, \$23.5 billion, and even bigger profits for the drug companies; and then, when all this is over, the premium goes up not \$2, but \$11, 17 percent, the largest premium increase in Medicare history.

Mr. Speaker, that is the kind of corruption that I hoped we would never see in this body, where campaign contributions result in a bill written for the drug and insurance industries

under the guise of improving Medicare, although seniors never really believed that. The bill passes in the dead of night, seniors' Medicare premiums go up 17 percent, the largest increase in history, and Republicans cash in with political contributions.

Mr. Speaker, that is shameful.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that remarks in debate may not include personal criticisms of or accusations against the President.

Mr. BROWN of Ohio. Mr. Speaker, is pointing out that the President receives tens of millions of dollars from the drug and insurance companies, is that considered a criticism? Is that appropriate to say?

The SPEAKER pro tempore. Remarks in debate must avoid personally offensive language toward the President.

Mr. BROWN of Ohio. Mr. Speaker, I was only talking about his actions. It is nothing personal. I just thought that tens of millions of dollars in contributions which lead to legislation which means bigger profits for the insurance and drug companies was shameful. I did not cast aspersions on the President himself.

The SPEAKER pro tempore. The accusation that the President did not tell the truth prompted the Chair's admonition.

Mr. BROWN of Ohio. I guess, Mr. Speaker, that I do not know if the President told the truth, but people who report to the President that should have been informing the President certainly did not tell the truth, because they said the bill would cost \$400 billion. It cost \$534 billion, and that led to the biggest Medicare premium increase in history.

The SPEAKER pro tempore. The President's advisors are not protected by House rules and practices governing debate.

MEDICARE PART B PREMIUMS TO INCREASE 17 PERCENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to talk about the Bush administration's increase on our senior citizens of Part B of Medicare, which is the doctors' coverage, of an additional \$139.20 per year. That means that seniors will begin paying an additional \$11.60 a month, the total premium being \$78.20 per month. So over the course of a year, the increase over the previous amount is 17 percent. This is on top of a 14 percent increase from last year.

This is going to eat up a substantial chunk of the cost of living allowance that seniors truly depend upon, and

with heating prices in the winter increasing, gasoline prices increasing, food prices increasing, this is a huge, unprecedented increase in the Medicare Part B premium.

Mr. Speaker, normally this premium increase would be announced in October when the Social Security COLA increases lock in so that seniors could calculate their budget for the coming year. But the Bush administration actually announced this increase during a holiday weekend just about a month ago, hoping that no one would really take notice.

The question I have is how much of this increase is actually due to the fact that the Bush administration refuses to let the government of the United States negotiate the best prices for pharmaceuticals and prescription drugs with these big companies that contribute so much to campaigns here in Washington, and, because of that, our seniors are going to have to bear the cost of an additional 17 percent increase.

This is the largest increase in the history of the program. Under this administration, Medicare premiums have increased twice as much as during the Clinton presidency, which lasted 8 years. So in a short 3½ years, they have increased the amount twice compared to the prior 8 years. And the premium increase comes on the heels of a decision by the Secretary of Health and Human Services, Tommy Thompson, not to permit the government to negotiate the best price and not to permit our seniors to buy prescription drugs that come in here that are safe and approved by FDA from Canada and other places.

Mr. Speaker, I believe we should never compromise on safety, nor should we restrict the competition that could be instrumental in holding down rising prices for our Medicare beneficiaries. So I offered an amendment that was passed in this House on the agriculture bill that would permit the FDA to allow the reimportation of drugs from Canada and overseas at lower prices.

□ 2030

When our bill was sent over to the Senate, the other body, they struck that provision out.

So I would hope that Senator KERRY would go back over to the Senate and hold a press conference and merely tell the Republicans over there to put my amendment back in, because it would do what the Republican prescription drug bill forbids doing, and that is allowing the same drugs that are sold here that exist in Canada and other places to be brought into this country so our seniors do not have to pay these exorbitant prices. And with these rising Medicare premiums, it is really something to think about.

The Republicans not only do not permit the reimportation of drugs, they lock the hands of the Federal Government to negotiate the best price. And

who ends up paying the burden of the increase? Our senior citizens, and they have just gotten the bill, and, as I said, over the next year, they are going to be paying an additional \$139.20 on the doctor's portion, the Medicare Part B premium. That is simply wrong, when the wealthiest people in this country, those earning over \$1 million, have gotten over \$100,000 a year in additional tax cuts from the Bush administration and so many people in our country have absolutely no health insurance at all. And our seniors are having to choose in the wintertime between food and medicine and heating the places in which they live.

So I wanted to say a word about that this evening and also to place in the RECORD an article from the New York Times today about the tragic, tragic beheading of Eugene Armstrong from Hillsdale, Michigan. I want to draw to the attention of the American people the fact that there is an additional hostage being held, Mr. Jack Hensley of Marietta, Georgia. These men were contractors. They were not under the employ of our U.S. military, and I think that the jagged line between civilian and military inside of Iraq is something this administration has done.

There are over 25,000 contractors in Iraq right now, and when they get in trouble, nobody helps them. In fact, Mr. Hensley's brother said that over the last few days, few weeks, those that were guarding these gentlemen disappeared; they left. They were fearful of their own welfare, yet these Americans remain there.

In the case of Mr. Hensley, he was in touch with his wife, saying that he wanted financially to remain there because he is laid off. He was a worker from our country, laid off, and she had been urging him to come back home because the family had become increasingly concerned that their guards were leaving.

Now, what kind of a military operation is it where we have 25,000 contractors whose lives are at risk, yet they may be earning more money than our regular military? But the lines are blurred, and one really cannot tell who has responsibility. Here we have another situation of a patriotic American who has lost his life so tragically over in Iraq simply because this administration cannot get it right, and they cannot conduct a military operation where people's lives are protected in theater to the greatest extent possible.

We had the armored Humvees with no armor. We have Guard and Reserve forces strung out, without the kind of backup they need, tired, in the field. We are short two divisions in the U.S. military, and now we have civilians really performing functions that the regular military should do. These gentlemen were doing construction which is normally done by the Army Corps of Engineers, who have backup. In this case, we have Americans whose body guards end up leaving, and they are

cold in the field. They have nobody to help them. What kind of a system, what kind of a military operation is this administration conducting in the nation of Iraq?

I want to place these additional articles from the New York Times in the RECORD, along with a chart showing the increasing number of hostages being taken in Iraq over the last several months, and it is on the increase.

GRIEF AND AN EVENING VIGIL IN A MICHIGAN
SMALL TOWN

(By Danny Hakim)

HILLSDALE, MI, Sept. 20.—Scores of townspeople gathered at an impromptu candlelight vigil in the early evening here after hearing that a Westerner identified as Eugene Armstrong had been executed in Iraq.

Mr. Armstrong grew up in this town of about 8,000 people in southern Michigan, and though he left more than a dozen years ago to travel the world, his brothers and cousins remain here.

"We're just devastated," said Cyndi Armstrong, a cousin by marriage who attended the vigil on behalf of the family. "I don't know what else to say about how we feel."

Mr. Armstrong, a 53-year-old construction worker known as Jack, lived with his wife in Thailand. Cyndi Armstrong said F.B.I. officials first notified members of the Armstrong family last week that he and two other Western workers had been kidnapped in Iraq. Among those notified, she said, was Mr. Armstrong's mother, who lives in Germany.

Few in the crowd here knew Mr. Armstrong well because he left Hillsdale long ago. His brothers chose not to attend the vigil.

"His brothers are broken up about it," said a cousin of Jack Armstrong, Pat Armstrong, who served as a marine in the Middle East during the first Persian Gulf war and who said he was not happy about how the latest Iraq war had deteriorated.

"I think we should steamroll them, either that or leave" Pat Armstrong said. "Eliminate the problem or leave instead of not trying to upset too many people."

The vigil took place in the early evening while it was still light in front of the Hillsdale County Courthouse on a town square framed by light poles bearing hanging planters with purple flowers. The Pledge of Allegiance was recited, candles were wedged into plastic coffee cup lids and passed through the crowd, and a local pastor, Randy Branson, was asked to say a few words.

"We know the price of freedom is being paid all across the globe," Mr. Branson said. "Today we pray for freedom and the two men who are still being held."

Cyndi Armstrong said Jack Armstrong loved to travel and had spent time in Germany before moving to Thailand.

"He was a great guy and he loved his country," she said, twisting an American flag in her hands. "He liked to travel; he liked to read books. I didn't know him personally very well, but he was a great guy, and he will be missed very much."

Richard Buehrle, 46, a cook who knows one of Mr. Armstrong's brothers, said: "I heard about it at 2:30 this afternoon. I was kind of shocked, but it didn't really surprise me. Once they're captured over there, it's touch and go."

Mrs. Armstrong said that only two weeks ago her own daughter enlisted in the Army. She did not want to talk about her personal feelings on the war, Ms. Armstrong said, though she supported her daughter's decision. Still, she said, it was hard to comprehend what had happened to Mr. Armstrong.

"I don't understand," she said, "Jack was there to help them, not to hurt them."

Jack Hensley of Marietta, Ga., is the remaining American hostage from the three construction workers who were taken from their house in Baghdad. The third is a Briton.

Earlier Monday, Mr. Hensley's relatives spoke to reporters about his kidnapping.

His brother, Ty Hensley, told NBC News that he and his brother had been regular e-mail correspondents before the kidnapping. Ty Hensley said his brother had become increasingly concerned in the week and a half before he and his colleagues were abducted. Their guards were leaving one by one because of death threats, Jack Hensley had written, and he believed the three Westerners were being watched.

Ty Hensley said that his brother had gone to Iraq when he could not find construction work at home and that leaving early would have been a financial blow.

But he said Jack's wife, Patty, had tried to persuade him to come home anyway.

"I'm sure that he had signed a year contract," Ty Hensley said of his brother. "It was important that he make it a year for him financially, but she began talking to him in very strong capacity to come back over the last week and a half. And she told him it does not matter financially, to come home."

"I talked to Jack every other day through e-mail," Mr. Hensley continued. "And the type of work that he is doing, again, is to work with the Iraqi people in helping develop a water system for the Iraqi people. He's helped work on a school, rebuild a museum and also housing for the Iraqi people."

HOSTAGES IN IRAQ

In addition to two Americans, Nicholas Berg and Eugene Armstrong, at least 27 people from 9 different countries are believed to have been killed in captivity this year, according to information from reporters for The New York Times and news agencies. At least 22 others are still being held hostage, but at least 81 have been released or rescued.

MEDICARE BY THE NUMBERS

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, the Medicare Modernization Act: good for the HMOs, great for the pharmaceutical companies, bad for seniors and bad for persons with disabilities.

Let us consider the numbers.

\$54 million: That is the amount drug companies spent lobbying Congress and the administration between 1997 and 2002.

675: That is the number of paid drug company lobbyists, more than 1 for each of the 535 Members of the U.S. House and Senate.

\$67.7 million: That is the amount of drug company political contributions since 1999, and Republicans received 71 percent of those.

\$891,208: That is the amount of drug company campaign contributions President Bush has received since 1999.

Zero: That is the number of Democrats who were allowed into the conference committee when this bill was finally crafted, the bill that was supposed to provide relief to seniors but

really has provided great relief to the drug companies. That means that the gentleman from Michigan (Mr. DINGELL) and the gentleman from New York (Mr. RANGEL), veterans of the House and experts on Medicare, were locked out of the committee.

Twenty-three percent: the percent of average Americans' out-of-pocket medical expenses spent on prescription drugs.

Seventy percent: the amount of discounts the Veterans' Administration obtains on cholesterol medications by using its bargaining clout with the pharmaceutical companies, something not allowed for Medicare beneficiaries.

Sixty-six cents: the amount the Veterans' Administration paid for a 30-day supply of Zocor, that is high cholesterol medicine, in 2002, compared to \$3.77 at the retail pharmacy.

Thirty-six percent: the amount of U.S. medical research funded, by who? By you, the taxpayers, by the Federal Government, not by the pharmaceutical companies.

\$139 billion: the amount of additional drug company profits to be reaped from the new Medicare law.

\$46 billion: the amount of additional payments to Medicare HMOs expected from the new Medicare law.

\$400 billion: That is how much the Republicans swore the Medicare bill would cost.

\$540 billion: That is the amount the Medicare actuary, the numbers cruncher, knew it was really going to cost, but he was threatened with his job if he told the truth to Congress.

\$576 billion: That is the recent estimate by the Office of Management and Budget of the cost of the Republican expensive and worthless Medicare plan.

\$4,000: what a senior citizen with \$5,000 in yearly drug costs would have to pay under the new Medicare benefit.

2.7 million: the number of seniors expected to lose existing retiree drug benefits under the new Medicare law.

Six million: the number of low-income seniors and persons with disabilities are expected to pay more for prescription drugs under the new Medicare law.

Seventeen percent: the average profit margin of the top-ten drug companies in 2002.

3.1 percent: the average profit margin of the rest of the Fortune 500 companies in 2002.

Seventeen percent: next year's increase in Medicare Part B premiums.

2.5 percent: That is the expected Social Security cost of living adjustment increase next year.

53.6 percent: That is the percent of the average 65-year-old's Social Security recipients benefits that would go to out-of-pocket Medicare expenses in 2026. In other words, more than half of their Social Security check would end up going to pay for Medicare expenses.

Now, at the time that this bill passed, I warned my colleagues on the other side of the aisle who thought it was so great and that the senior citizens would love it. I have to tell my

colleagues, another zero in my district. That is the number of senior citizens who think that the Medicare Modernization Act is a good deal for them.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to use the time of the gentleman from Ohio (Mr. STRICKLAND).

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

There was no objection.

ADMINISTRATION LAUNCHES NEW CAMPAIGN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the administration has launched a new campaign to win the Iraq war. The offensive is not in Baghdad or Fallujah or Sadr City. It is in New York and right here in Washington, D.C. The administration has launched another public relations campaign. They did it in the run-up to the war, and they are doing it again in the run-up to the election.

The administration will have its Iraq functionary here in a few days to speak to this Congress. The appearance by Mr. Allawi in the U.S. Congress is meant to give the American people the illusion that Mr. Allawi was elected, not appointed. It is meant to suggest stability amid a sea of escalating violence.

The American people will decide what they believe to be true. They have already had a preview, because England was the first stop on the PR campaign. This is what the American people are going to hear over and over and over again. In London, Mr. Allawi downplayed the growing violence in Iraq. Since the middle of June, in just the last 90 days, the chaos in Iraq has claimed more than 2,000 Iraqi lives and more Americans than in any other part of this war, yet the administration's hand-picked administrator says of the insurgency, "It is not getting stronger. We are squeezing out the insurgency."

Then, he changed that glowing assessment for a different British audience where Mr. Allawi said, "Terrorists are coming and pouring in from various countries."

Now, what is the real story? We will still be asking that question after Mr. Allawi leaves.

At a time when the American people need straight talk about what is happening in Iraq, we are going to get carefully planned photo opportunities.

The groundwork has already been laid. Just the other day, the President told the American people, "I am pleased with the progress." Really, Mr. President?

Iraq today is more violent than ever. Insurgency is either being squeezed out or terrorists are pouring in. Check the morning paper tomorrow or the nightly news if you are not sure which of those statements is correct. Iraq is so out of control that religious clerics are being assassinated in broad daylight. Hostages are being kidnapped from guarded homes and beheaded. And U.S. soldiers are in greater danger than ever. Iraq is so out of control that a new offensive by the U.S. military is being planned for later this year, but not until after the election. Sounds a lot like Nixon's secret plan to end the war.

The administration is delaying action because it denies the magnitude of the crisis in Iraq. Instead, they want carefully-scripted political appearances and speeches to make the American people believe that your eyes and your ears deceive you. The coming public relations events are meant to do just that.

The President says he is pleased with the progress. Mr. Allawi says elections are coming. Mr. Allawi also admits that the so-called free elections in January may only be about half fair. When he speaks before the Congress, I hope Mr. Allawi will clarify which half of the Iraqi election will be fair and which will be rigged. The American people deserve straight talk, but we are getting double-talk. So is the rest of the world.

At the United Nations today, the President said he is "enforcing the demands of the world." Less than a week ago, the U.N. Secretary General Kofi Annan told the world that the Iraq war was illegal.

At the U.N. today, there was every opportunity for the President to tell it like it is. Instead, he told it like the spin doctors want it, and the world heard the sound of a President in total denial.

Later this week, Mr. Allawi will say exactly what the administration wants him to say as their puppet here in the House. He is their guy. This is their war, and they need more money. They will say what they want us to hear, despite the deafening sounds of daily violence underneath their very words. They will say what they hope will silence the critics, because they cannot silence the gunfire. They will say whatever they think will win another term in office, because that is their first and only priority.

That is not the way to fight a war or win the peace, but it is the only way this administration knows, which is why Iraq's best chance for peace can only be realized by a regime change in the United States. It will happen on November 2.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2045

RECORD DEFICITS ABOUND

The SPEAKER pro tempore (Mr. McCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, in less than 10 days we will close the books on fiscal year 2004, and what a year it has been. A few days after that we will declare a deficit of \$422 billion. You got it, \$422 billion.

Now, there will be all sorts of spin to make that shortfall seem a lot less serious than it really is. But here are the hard facts. At \$422 billion, this year's gift will set an all-time record, \$47 billion more than last year, which itself last year was the worst deficit on record. And at \$422 billion this deficit is bad enough; but if you back out the surplus in Social Security, as you should, 15 years ago we adopted a law and said Social Security shall not be included in the regular budget of the United States. It is, after all, a trust fund. The money is incumbent for the beneficiaries.

So if you back out those trust funds and the surplus they incur this year, the deficit in the regular budget of the United States is \$574 billion for fiscal year 2004, \$574 billion, more than a half trillion dollars in debt.

Now, the President keeps telling us that this economy is on the mend. Usually when the economy gets better, the bottom line of the budget gets better, but not now. This year's deficit, you see, is not going away. It is not even going down by much. Even if the economy improves, it will still be about where it is, 4 to \$500 billion for the next 10 years. What we have got, what we are stuck with for the time being until we do something about it is what economists call a structural deficit. It is built into the texture of the budget itself.

On the House Committee on the Budget, our Democratic staff has taken the latest projection of the deficit and the economy given to us just a few days ago by the Congressional Budget Office, CBO, our neutral, nonpartisan budget shop. We have taken their forecast, and we have made what we regard as political readjustments to it. We

have actually decreased the war of Afghanistan and Iraq that they have included because we do not think and do not hope, certainly, it will continue at existing levels. We have assumed that the alternative minimum tax will be fixed, as politically it must be fixed over the next several years; and we have assumed that the President's tax cuts will be made permanent as he earnestly seeks. He will get his way.

When you do that, you see what happens on this bottom red line which starts in 2004 at \$422 billion, that is this year's deficit, because from 422 to 360, yes, it gets a bit better, we hope, but then it bombs out in that range. And by the time you get to the end of this 10-year period in 2014, the deficit is \$503 billion.

As I said, the deficit does not go away and it does not go down by much; and at the end of the 10-year period it is bigger than it is today and we have accumulated a mountain of debt. By our calculation, using CBO's forecast, the Federal Government will incur \$6,816,000,000 in additional debt between now and 2014. And when that \$6.8 trillion in new debt is added to our old debt, which is \$7 trillion or thereabouts, the total debt of the United States will come to \$14,890,000,000 in that year.

If we follow the fiscal course the President has laid down, keep implementing his policies, do not make any changes in this budget, we are adopting basically his budgetary assumption, that is where we will be: \$15 trillion in debt by the year 2014. That is the legacy that we are leaving our children.

If this burden were not enough, we always have to remember that out there, looming on the horizon, beginning in the year 2008, it is a phenomenon called the baby boomers, 77 million of them are marching to their retirement as I speak tonight. They have already been born. They have already qualified for their retirement benefits, and in 2008 they will start drawing their Social Security. In 2011 they will start drawing their Medicare. In 20 years they will double the number of beneficiaries on Medicare and Social Security. And what should we do to prepare for this unprecedented demographic event, the doubling of the number of people on retirement?

We should be saving money now, no question about it; in this period of time we should be saving money. Instead, we are doing just the opposite. We are building up mountains of debt as this chart shows.

Mr. SCOTT of Virginia. Mr. Speaker, I would ask the gentleman to explain what this blue line on the top might be.

Mr. SPRATT. The blue line on the top is the path plotted by the Bush administration in 2001 when they brought us their first budget. They said, this is the path that we expect to follow. This was the basic baseline of the budget, before the Bush policies that were projected back in 2001. That is how good

things looked. This is how bad things are now 3 short years later.

Mr. SCOTT of Virginia. I thank the gentleman.

Mr. SPRATT. Well, I said what we should be doing is saving, paying down our debt, not building up our debt.

Now, some may discover that, some might say, when did the United States Government ever pay down any debt? Well, in case you do not know it, in 1993, when President Clinton came to office, the deficit was right there, \$290 billion, a record deficit under the last President Bush, \$290 billion in 1992. That was the deficit situation President Clinton inherited.

We passed in this House, in the mid-spring of 1993, a deficit reduction act that the President sent to us. We passed that bill by one vote here in the House and by one vote in the Senate. As a consequence, every year after that for the next 8 years, the bottom line of the budget got better and better and better to the point where in the year 2000 we had a surplus of \$236 billion. All of that happened on the watch and under the administration of the Clinton administration because of two major multi-year budgets that we adopted in those years, hard votes, probably cost the Democrats control of the House, but we did the right thing and there was a payoff, a budget and surplus by an unprecedented \$236 billion in the year 2000.

As Yogi Berra likes to say, If you do not believe it, you can look it up. It is a matter of national record.

Well, what has happened since then? This is when President Bush came to office. He inherited a surplus. The budget there, midfiscal year 2001 was in surplus by \$127 billion, but every year thereafter the bottom line of the budget has gotten worse and worse to the point where it is \$422 billion in debt today.

Now, let me show you what those surpluses in the Clinton years meant, which was also unprecedented. In those 3 years from 1997 to the year 2000, that 3-year period of time, the debt of the United States held by the public outside the Government went from \$3,772,000,000 to \$3,409,000,000. We paid off in those 3 years \$362 billion of debt. If you take what was paid off in the year 2001 when President Bush came to office and inherited the budget of the previous administration, it is over \$400 billion in debt reduction.

By contrast, this administration told us when they came to office in 2001, their own economists at OMB, Office of Management and Budget and CBO both, they told us if you stay this budgetary course, you can pay off the debt held by the public; keep doing what the Clinton administration has been doing, you can pay off the debt held by the public by 2010, 2008 as early as that. But in the foreseeable future, if you stick to this budget course, to these fiscal policies, you can pay off the debts of the United States and lay the basis of the solvency of Social Se-

curity, the first big step you can take towards making Social Security and Medicare solvent for a long time to come.

We know the story. The Bush administration did not choose to stay that budgetary course. They chose their own budgetary course, which called for deep tax cuts, very significant tax cuts; and when the budget forecasts did not materialize as expected, those budget cuts, those budget tax cuts ate even more deeply into the deficit of the United States.

As a consequence, in the year 2002 instead of paying down more debt, we had to increase the national debt of the United States. We had to raise the statutory ceiling. There is a statutory limit on the debts that we can incur. We had to raise it by \$450 billion in the year 2002. Next year, having raised it \$450 billion, the very next year we had to raise the debt ceiling again by \$984 billion. Let me tell you something, \$984 billion is more than the entire debt of the United States in 1981 when President Reagan came to office. But we had to raise the debt ceiling by that amount in 2004 in order to accommodate the increases in debt.

When you add all of these together, you will see what I have cited earlier, the phenomenal increase in debt under this administration. If we stay the course we will be going to \$14,890,000,000. But already with the two debt-ceiling increases passed of 450 plus 984, plus one that is pending right now, which is \$650 billion, when those three debt-ceiling increases are passed, it will come to \$2.1 trillion. That is the fiscal record of this administration. Compare it to the last 3 years of the Clinton administration which I have just shown you where we paid off \$362 billion.

Mr. ALLEN. Mr. Speaker, I would like to make one point because I think it is worth going back to March of 2001 when the President was traveling the country pitching the first tax cut, the big tax cut; and he came to my hometown, he came to Portland, Maine, and he went to the Merrill Auditorium in city hall and he spoke to almost 2,000 people. And I remember sitting in the front row and listening to him speak. And I will never forget what he said, and this is about as close to word for word as you can get. He was selling his tax cut and he said, I know these are big numbers, but this is reality we are talking about. We hold spending to a 4 percent increase.

I would say, well, not exactly, because the Department of Defense had not submitted its budget yet.

He went on. We pay down \$2 trillion worth of debt.

Well, only if the whole program works.

Then he said, We set aside a trillion dollars for contingencies. There was no trillion dollars contingency account. They made it up. They simply made it up. So all over the country the President went around saying we have set

aside a trillion dollars for contingencies; and then he said in Portland and around the country, and there is still money left over. But the hard cold truth was there was no contingency account; once the tax cut was passed, once it was signed into law in the big ceremony in the Rose Garden, you cannot find the words "contingency account."

The administration never said as the economy deteriorated and spending went up. They never said, boy, thank God we have that trillion dollar contingency account to fall back on.

So right from the beginning, this tax cut was oversold. It was oversold. They went out and said things to justify the tax cut when they did not have the evidence to support it. And I think it is worth remembering that, because it is not easy to dig a 14.8 hole for yourself when you are starting at \$3.87 billion. In just a few short years they have managed to drive this country in a direction where our children and grandchildren will be paying a bill for decades to come. I would like to come back to that at a later time.

Mr. PRICE of North Carolina. Mr. Speaker, with an unprecedented fiscal meltdown in this country, going from \$5.5 trillion in projected surplus over the next 10 years to over \$3.5 billion in additional debt, fiscal turnaround of over \$9 trillion, would we not like to think that, at least for that degree of damage to the Federal budget, that we have gotten the maximum economic stimulus, or that we have at least been able to fund our major priorities like education and research and health care, transportation? Yet I do not know any economist who will claim that we have had the best possible economic stimulus or the economic turnaround. This is as sluggish an economic recovery as anybody can remember.

Mr. SPRATT. Mr. Speaker, we are one million jobs short to the number of jobs we had on March 1, 2001, when the last recession started. It was over in November. And we are still a million jobs short of that despite the supposed economic stimulus which obviously did not stimulate the economy by nearly enough.

□ 2100

Mr. PRICE of North Carolina. Has the gentleman seen any economic analysis that would suggest that a massive tax cut, 43 percent of which went to the top 1 percent in earnings, was the most effective economic stimulus that could have been applied?

Mr. SPRATT. That is why we are not seeing the results in jobs.

Mr. PRICE of North Carolina. Mr. Speaker, the President seems to want to claim that, but I have seen analyses, and they are readily available, that show there are dozens of things that could be done in terms of middle class tax cuts, in terms of infrastructure improvements and transportation improvements, in terms of aid to the States that were so hard-pressed and

still are hard-pressed. Extension of unemployment benefits to those who are still trying to turn their situation around, any one of those things would not only have been fairer in terms of the people affected, but it would have been a far more effective stimulus.

Then to turn to my second point, have we been able to adequately fund our major priorities in this country?

If you are going \$450 billion into debt each year, additional debt, you would at least like to think you are getting some bang for the buck in terms of things we need to be investing in in this country. But yet at last report this House cannot even pass a highway bill, cannot even agree on investment in our infrastructure, which used to be a no-brainer around here, both Democrats and Republicans agreeing that nothing was better for the economy than having a healthy infrastructure and getting money out to the States to build highways and transit systems.

Mr. SPRATT. I thank the gentleman, and let me just wrap up and now turn to my other colleagues and yield to them, first by saying or asking, how does this administration respond to these dismal results? Nobody can put a pretty face on numbers like these, a deficit of \$420 billion, a fiscal course that has led us to nearly \$15 trillion in debt. Some legacy to leave to our children. In just 10 years, that is the course we are on according to CBO, even OMB. How do they respond to it?

Last July when the administration issued, as required by law, its so-called mid-session review of the budget they actually resolved this. When they issued that, they went through the numbers as they projected them, put the best face they possibly could on them, and came to the conclusion that these deficits were indeed unwelcome. That was the strongest word they could muster, that these deficits were unwelcome. Did they offer a plan? No. Did they hold out any prospect that this deficit would be reduced and that the country would be put back on a path of fiscal stability? Not on your life. There is no plan, no prospect of it, no shock, no shame and no solution.

We want to tell you more about the situation we find ourselves in, and now I yield to the gentleman from Virginia (Mr. SCOTT) for that purpose.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding to me.

One of the things that we have found in the debate on the budget is you really have to use charts because one side will say the deficit is bad; the other side, it is manageable. But when you look at the chart, going back to Johnson, Nixon, Ford and Carter, that is the yellow; the Reagan and Bush deficits, that is the red; the green, that is the Clinton administration; and this is on-budget surplus. That is after Social Security and Medicare, and then President Bush. You cannot create a chart like this by accident.

The gentleman from South Carolina pointed out that in 1993 we cast tough

votes. Not a single Republican in the House or the Senate voted for the budget that turned this deficit around, started it up. Now, some like to point out that the Republicans had control of the House and the Senate during six of the 8 years of the Clinton administration and, therefore, deserve some credit for the elimination of the deficit and the generation of the surplus. Wrong.

In 1995, when the Republicans came in, they passed irresponsible budgets. President Clinton vetoed them. They threatened to close the Government down. He vetoed them again. They closed the Government down, rather than allow those deficits to return, and as a result of the Presidential vetoes, we maintained the progress towards a surplus. So you cannot take credit for those kinds of budgets that were vetoed. In fact, we know what would happen if the President had signed those budgets because, when President Bush came in, they passed the same kind of budget; and we see the total collapse of the budget, record deficits, as the gentleman from South Carolina has pointed out, as far as the eye can see.

Now, just to give you an idea of the deterioration of the budget, this is the 2004 budget, the budget we are in today. In January 2001, when this administration came in, we projected a \$390 billion surplus, and then the tax cuts and the administration policy was adopted so they had to, in May, recalculate. A 274 surplus was projected for this year. After September 11, March, almost 6 months after September 11, they projected, well, maybe it will be a small little deficit. In March of 2003, a year later, they recalculated \$330 billion in the hole. Last month, latest figures, \$422 billion in the hole, a deterioration of over \$800 billion.

Now, when you use big numbers we like to put them in perspective. You add up everybody's individual income tax. The revenue generated from the individual income tax across America totaled \$800 billion. Deterioration in the budget for this year's budget since this administration came in, \$800 billion deterioration. That is the number.

When you run up deficits, you run up interest on the national debt. As the gentleman from South Carolina pointed out, the interest on the national debt, because the debt was headed towards zero, interest on the national debt was headed towards zero, but this chart shows the interest on the national debt that we are going to have to pay. In 2009, the difference of what we thought we are going to have to pay and what we have to pay, over \$300 billion, and let us put that number in perspective.

At \$30,000 each, how many people can you hire with \$300 billion? Answer: 10 million. Another question: How many people are drawing unemployment in America today? How many people are unemployed, drawing unemployment today in America? Answer: less than 9 million. You could hire everybody with a \$30,000 job that is on unemployment

and have billions of dollars left over with the additional interest on the national debt.

We cannot fund No Child Left Behind for the lack of \$9 billion. We cannot fully fund veterans health care the way it should be funded. There are a lot of things we cannot do because we do not have the money. \$300 billion, interest on the national debt.

This has national security implications, too, because a lot of that debt is bought by foreign countries, and you cannot negotiate a trade deal with somebody who has got \$100 billion of your paper, China, Japan, other countries. It has national security implications. If somebody wanted to start building nuclear weapons and they are buying all of our debt, what kind of negotiations could we have?

Interest on the national debt is run up because of the fiscal irresponsibility of this administration. We were told that we had to go into that kind of fiscal collapse to create jobs. We have heard this administration, and in fact, we had a member of the other party bragging about the success of this administration creating jobs just this afternoon. This chart shows what the actual numbers are, the percentage increase or decrease in jobs, going back to Herbert Hoover. Herbert Hoover lost jobs. Every other administration since then, before this administration, gained jobs. This administration lost jobs.

Now, this is the chart. So that there is no confusion, this is the private sector job growth since Herbert Hoover. Now we will notice before we come up with the excuses that this time frame includes not only World War II and the Korean War and the Vietnam War and the Cold War and the hostages in Iran, Persian Gulf War, Somalia, Grenada, it also includes Pearl Harbor. Everybody back to that period of time created jobs. This administration did not. So 9/11 could not have caused this chart, and neither could the so-called inherited recession.

First of all, let us get the facts straight. The recession started in March 2001, well after this administration had been sworn in, well after they had been elected and their policies were becoming part of the economy, which was reacting to their articulated policies; but whenever it occurred, this chart shows how many jobs you have 40 months after the beginning of a recession. Everybody is up to 3.8 percent, 1.9 percent. 1990 to 1993 is the worst before this administration. Everybody else 2, 3, 4, 7 percent more jobs, 40 months after a recession began until you get to this administration. So whenever this recession started, you cannot blame that recession for the collapse in the economy.

One of the things that we pointed out is that we ought to be saving money because the baby boomers will retire. The blue bars show that we are bringing in more money in Social Security. The Medicare chart shows the same

pattern; but after 2017, you will be paying out more money in Social Security than we are bringing in, and you cross the 300 line, that is \$300 billion. That is \$2,000 for every man, woman and child in America.

Obviously, this is a very challenging chart to deal with until you look at this chart, which shows that if you add up all of the President's tax cuts and reduce them to present value so we know what we are talking about, that is more than the combined total deficit in Social Security plus the combined deficit in Medicare for as far as the eye can see, 75 years or more.

In other words, we had a choice. We could make Social Security and Medicare solvent, or we could cut taxes. We had a choice. It was about the same amount of money. We cut taxes. We created the deficit, and now we do not know how we are going to pay for Social Security and Medicare.

In fact, the GAO produced a chart that answers the question, if you do not change directions you might end up where you are headed. Where are we headed? This chart shows the line across is the revenue coming in at the President's policies. This shows right now we are borrowing money for some Government spending; but by 2040, we will have enough money for the blue, which is interest on the national debt, a little bit of money for Social Security. We will have to borrow the rest of the money for Social Security, no money for Medicare or Medicaid, and no money for the green which is Government spending like defense, transportation and everything else.

Obviously, this is not sustainable. We have to do something and make profound changes in our economy, in our funding, in balancing the budget; and it is not going to be done with rhetoric and constitutional amendments.

We are tomorrow marking up a constitutional amendment to so-called "balance the budget," the balanced budget amendment. What they do not tell you is that the amendment does not require a balanced budget. It just prescribes the method for passing a budget that is not balanced. We had a hearing on that, and we asked the Republican witnesses whether or not it would be more likely or less likely that you would actually have a balanced budget if that legislation was adopted. They could not give a definitive answer to that question.

□ 2115

The fact of the matter is it would make it less likely that you would pass a good deficit reduction plan because you made it more difficult. So even if that legislation were to pass, and it will not because people know what a fraud it is, it will not, but even if it passed, you would still, at some time or another, have to cast the tough votes.

When we were fixing the deficit, eliminating the deficit, we had a rule called PAYGO, pay-go, pay as you go.

If you want to increase spending, you have to increase taxes or cut spending to pay for it. If you want to cut taxes, you either have to cut spending or increase somebody else's taxes to pay for it. You could not have any initiative that had an adverse effect on the budget without paying for it.

Well, right after this administration came in, that policy evaporated and they passed tax cuts without paying for it. They passed other programs without paying for it. And all of the red ink, interest on the national debt in this chart, is a direct result of that policy.

Mr. ALLEN. Mr. Speaker, if the gentleman from Virginia will yield, I want to follow up on the gentleman's comments about the consequences of running these huge deficits, because we have the numbers now. We know where the Federal budget is headed, and it is not a pretty picture. But there are some very serious consequences. I wanted to mention several.

First of all, Social Security, when you look at the administration's budget over the next 10 years, they spend, on general government purposes, every single dollar of the social security's surplus. And the Social Security surplus for the next 10 years may be quite substantial. So, every single dollar. Then we have Alan Greenspan turning around and saying, oh, we have long-term problems with Social Security. We really should be reducing Social Security benefits. And there is the President of the United States saying, what we really need to do is to create individual accounts, which is another way of saying we need to reduce Social Security benefits. They both come to the same thing.

So the first impact is on Social Security, and it could be absolutely devastating. But the second impact goes to the question that I think the gentleman was raising about are these tax cuts effective. We have now had 4 years of an administration doing three rounds of tax cuts. If you judge an economy by jobs and wages and health care, then let us first look at jobs.

As the gentleman pointed out, we are down about a million private sector jobs over the 4 years. No job recovery. Worst record since Herbert Hoover. Clearly, jobs have not come back despite the three tax cuts.

Mr. SCOTT of Virginia. Mr. Speaker, if the gentleman will let me respond to the point on jobs, and the gentleman from North Carolina alluded to it, it is absolutely incredible that we could run all this red ink without creating jobs. At least when President Reagan was running up deficits he was creating jobs. It is difficult to cut taxes the way the administration has cut taxes, in those amounts, without creating some jobs. But the taxes they cut were the kinds of taxes that did not stimulate the economy. It only rewarded those in the very upper income, the ones least likely to actually spend it.

If you want to stimulate the economy, give the money to those who will

actually spend it. The gentleman from North Carolina mentioned extending unemployment benefits. People who had jobs, who lost a job and are continuing to look for a job but have not found one yet, their unemployment benefits have run out. If you give them some money, they will spend it right away. If you give a cut on dividends to someone who has substantial stock holdings already, if you cut tax and dividends in half and someone benefits \$300, if you do the arithmetic they must have had, on average, \$100,000 in stock. Three hundred dollars to them, if they wanted to buy something that cost \$300 and they have a \$100,000 stock portfolio, they would have already bought it.

If they wanted a television, they would already have bought the television. The \$300 tax cut does not stimulate the economy, given there. But if you give it to a family with children, unemployed, low income, they are going to spend the money.

There are a lot of ways you can cut taxes and create many jobs, as President Reagan did, but if you cut the taxes that President Bush cut, which ruined the economy, ruined the budget and lost jobs, it is incredible how you can run up the deficits. And just the interest on the national deficit in 2009, in that year, if we did not have the kinds of increased interest on the national debt, we could hire 10 million people at \$30,000 apiece, which would be more than anybody has created in 4 years. Ten million would be setting records. We could do that in 1 year with just the interest, each and every year, with the interest on the national debt that we are going to have to pay over and above what we expected to pay when this administration came in.

Mr. ALLEN. Mr. Speaker, if the gentleman will yield further, that is a very good point, and it goes to the second point I was going to make about wages.

The median wage in this country now has dipped down slightly in these last 4 years. And if we look at health care, a third component of whether or not we are in a healthy economy or not, there are 5 million more Americans who do not have health insurance today. We are at 45 million instead of the 40 million uninsured when George Bush took office.

So there has been deterioration across the board. And the worst is yet to come, because the Office of Management and Budget has a memorandum out there and that makes it very clear that in the 2006 budget, which is coming right down in front of us, there are going to be deep cuts in many government services, including cuts to education, veterans' health care, environmental protection, job training and child care.

The last thing that I personally wanted to say about this is that I have been thinking a lot about my father's generation. My parents are both gone now, but they went through the depression and the Second World War, and a

lot of people did not come through the Second World War. The guiding principle of my parents and their whole generation, I believe, was to make sure their children and grandchildren had more opportunity than they did. They sacrificed a lot that might have been for their own immediate pleasure in order to be sure their kids had a good education and that we had opportunities that they had not had when they were growing up. That generation would never have done to us what the Bush administration and the congressional Republicans are doing to our children and grandchildren, sticking them with a debt that is so large that they will be paying exorbitant interest on the national debt for decades to come; and seeing cuts in education, cuts in job training, cuts to the Small Business Administration, the squeezing of economic opportunity out of this country because of fiscal policies that are essentially tax cuts today and a billion dollars for Iraq every week.

The guiding philosophy that was expressed by the majority leader, the gentleman from Texas (Mr. DELAY), when we were debating last year the March 2003 tax cut, he said "Nothing is more important in a time of war than cutting taxes." In other words, stick it to our kids. Force them to pay for the Iraq war and force them to pay for tax cuts for the wealthiest 1 percent in America. It is an embarrassment. It is an absolute embarrassment, it is wrong and, as I said before, the greatest generation, the World War II generation, would never have done to us what George Bush and the congressional Republicans are doing to our children and grandchildren.

Mr. SCOTT of Virginia. And, Mr. Speaker, the most unseemly part of what is going on is, as the interest on the national debt gets bigger and bigger, and, as I earlier indicated, the individual income tax only generates about \$800 billion, we are paying \$200 billion, \$300 billion, \$350 billion more in interest on the national debt and growing right at the time when the Social Security Trust Fund is going to be running the big, bigger, and bigger deficits, we have to assume that this administration has no intention of paying Social Security after 2017.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman from Virginia will yield, I am struck by what our colleague from Maine has been saying about the national debt and the burden it represents on future generations.

We have had a discussion tonight that may strike some people as pretty complicated, with a lot of charts and figures. And sometimes we are criticized for not being able to reduce our arguments to a bumper sticker. Well, I have a couple of bumper stickers to suggest that I think sum up just what the gentleman from Maine and the gentleman from Virginia have been saying.

People like having that bumper sticker on the car about having an

honor student at so-and-so high school. How about this one? "My honor student will be paying for the Bush national debt." Or how about another one. "George W. Bush: We will be forever in his debt."

That is what we are talking about here. We are talking about an administration that has managed to engineer a \$9.5 trillion fiscal reversal. And I appreciate the gentleman pointing out so competently the dimensions of that and exactly what it does portend for future generations.

Mr. SCOTT of Virginia. I thank the gentleman.

And the interest on the national debt that has to be paid, people have a sense that when you started charging things on your credit card, the minimum payment does not hurt you too much, until you start running up to where that minimum payment starts hurting. We are paying interest on the national debt at levels that rival the defense budget.

The defense budget this year is what, around \$400 billion?

Mr. SPRATT. Four hundred twenty billion.

Mr. SCOTT of Virginia. Four hundred twenty billion dollars. The 2009 interest on the national debt is \$316 billion over and above what we expected it to be. These are numbers which mean that later on we will not be able to do the kinds of things that we want to do.

We had projected surpluses in the hundreds of billions of dollars, which meant that we would be able to afford health care for the uninsured, education, college education, and veterans' benefits, including health care. The kinds of things that are real priorities. This year's budget did not have enough money in it to maintain present services for our veterans in health care. The veterans' groups wrote letters criticizing what we were doing, and yet we did not have the money because we are running up additional interest on the national debt.

We have a lot of priorities we are not able to meet, and the interest on the national debt gets larger and larger and larger and starts hitting us at exactly the same time when the Social Security surplus evaporates.

Mr. SPRATT. Mr. Speaker, I would like now to yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding to me, and I appreciate the opportunity to share some of my thoughts with my colleagues, because I thought when President Bush took office, he promised to maintain the projected budget surplus. He promised to pay off the national debt and help the middle class working Americans. Instead, what I have seen is his policies have led to record deficits, increased Federal debt, and have put a squeeze on the middle class. These failed policies burden all Americans and endanger the future of hard-working families in Nevada and throughout this Nation.

When President Bush took office in January of 2001, the Congressional Budget Office projected a 10-year, \$5.6 trillion surplus. Because of the irresponsible and failed economic policies of the Bush administration and the congressional Republicans, we can now expect a 10-year \$3.5 trillion budget deficit. This is a \$9 trillion, dare I say it, dare I use the word, flip-flop.

This year's deficit alone is a record \$422 billion, the largest deficit in this Nation's history. We have gone from one of the largest budget surpluses in our Nation's history to the worst deficit our Nation has ever seen. And it does not matter what these neoRepublican economists are now saying. The facts are deficits matter.

Federal deficits directly affect every American. Higher deficits mean increased interest rates, higher car payments and rising mortgage costs. If the deficits continue the way they are, mortgage rates could go back to where they were in the 1980s, through the roof, making the dream of American home ownership virtually impossible for working families in this country. If interest rates rise by just 1 percent, 1 percent, homeowners will pay an additional \$1,200 in interest payments every year for a typical \$150,000, 30-year, fixed-rate mortgage.

□ 2130

Mountings deficits have also increased the Federal debt. The Federal debt was \$6.7 trillion at the end of 2003. By the way this administration is going, the debt is going to be over \$14 trillion in another 10 years. The Bush administration's solution to this skyrocketing debt, just raise the national debt ceiling for the third year in a row.

So what does an increase in the Federal debt mean to the people we represent? This year, Americans will spend \$159 billion, an average of \$4,400 per family, to pay the interest on the debt. Our constituents, the good people of Nevada, South Carolina and Virginia, want to spend their money on something else other than paying off the national debt. How about paying down their credit cards? How about paying their own student loans or house payments?

And how far is this President willing to go? How much more will this President drain from American families. How long are we going to put up with his fiscal foolishness and irresponsibility?

The Bush administration and congressional Republicans have had plenty of opportunities to fix this financial mess. They have not. They have refused to require spending offsets for new tax cuts as well as for new spending. We call this PAYGO, and it is essential to restoring this country's fiscal health.

In the 1990s, PAYGO led to budget surpluses and the largest economic expansion in this Nation since World War II, and it is hard to imagine responsible leaders rejecting this proven and successful budget policy. PAYGO, what is

it? It is simple, we do not spend what we do not have. You pay as you go. It makes sense to everybody else except President Bush and the Republican leadership in Congress.

This administration and this Republican Congress are failing American families by failing to address our growing deficits. The first of 77 million baby boomers will be collecting Social Security benefits in less than 4 years and Medicare in less than 7. We should be preparing now by saving more and getting our Nation's economic house in order. Are we doing it? No we are not. President Bush and the Republican Congress are closing the door on a house on fire. They are running up the biggest deficits in history, no planning, no savings, no economic strategy, just reckless, foolish borrowing and spending.

To make matters worse, the Bush administration and Republican leaders are pushing for new tax cuts for corporations and for people who do not need more tax cuts. New tax cuts are not the solution. In 2004, this past year, 46 percent of Nevada taxpayers, the people I represent, received a tax break of less than \$100, and what did Nevadans get for this \$100?

Since President Bush took office, health care costs for families have risen \$793; college tuition and fees have increased over \$1,200; and gas prices have gone up an average of 33 percent. The average Nevada family now spends \$495 more this year on gas than they did when President Bush took office. A \$100 tax break barely dents the skyrocketing cost of living.

It is time for President Bush and Republicans in Congress to address the enormous financial burdens these growing deficits are placing on us. It is time to stop turning a blind eye to the burdens their failed policies will place on our children. It is time the American people hold President Bush and the Republican Congress accountable. I do not know what we have to do to make the American public wake up and see what is going on because night after night, day after day, we stand here, and we tell the American public what is going on and what is going to happen, and until we realize the seriousness of these deficits and the foolishness of this administration's fiscal policy, I fear that we are going to be in a world of hurt when this is all over.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

The people in the audience may wonder, what is the problem? Why are you getting so excited about this issue? Well, the problem is that, within another couple weeks, this fiscal year will have concluded, and according to the White House, the Congressional Budget Office and pretty much anyone who studies these numbers, we will

have spent \$422 billion more than we took in, a \$422 billion deficit.

Now when President Bush took office, they estimated for this fiscal year we would have a \$397 billion surplus. So, more than an \$800 billion reversal has occurred just this year. The real impact is not going to be felt so much by the Members of Congress, those of us in our fifties and sixties, some of us; the real impact is on those who are in their twenties and thirties or just starting out raising a family, acquiring a home, looking forward to a bright future.

I do not think there has been any generation that has left a more challenging future for its children than our generation, the baby boom generation. It did not have to happen. But when Members consider a \$422 billion deficit, that is 132,000 times more than the average young person is ever going to earn in their lifetime. It is an enormous figure.

Of course, all that contributes to a cumulative debt. It will be \$6.7 trillion. And given the policies that the majority has put into place, recommended by the President, it will be a \$13.3 trillion public debt by 2014, in 10 years.

Again, not our problem for those in the baby boom generation who will be retiring, doubling the number of people dependent on Social Security and Medicare; it will be primarily the problem of the next generation. But imagine what fiscal irresponsibility, to take all of the political credit for cutting taxes, for giving people everything they want and then passing the bill on to our children.

This election, in fact, I would suggest is really about that next generation. Even though they may not be the ones primarily voting, they are going to be the ones most adversely affected.

We had a hearing just last week. The gentleman from South Carolina (Mr. SPRATT) convened it. We brought in some young people that very well represented their age group, and we shared with them some numbers, that, in fact, the average college graduate now has a debt of \$19,000. That is a student loan debt of \$19,000. People in their twenties face an unemployment rate of 9 percent and a third lack health insurance. So, obviously, there is going to need to be more investment in education and making higher education more affordable, more investment in health care, making health insurance more affordable for the working class.

Clearly, there is a need to keep interest rates down, and yet what is going to happen, according to the Congressional Budget Office, if we make permanent all of these tax cuts, if we keep spending on defense primarily, but if we keep spending at the rate that this administration and the House and the Senate of the same political party obviously have been spending, and those are reasonable assumptions, that within a little more than a decade, there are only going to be three programs in the Federal Government; there will be

Social Security, Medicare and defense, and interest on the public debt.

That interest we estimate, by 2014, is going to be \$350 billion, more than a thousand dollars per person, and if the President's policies are all implemented as he wants, it will be over \$400 billion per year for nothing, to pay off the interest on the debt that the next generation's parents incurred. And they are going to get nothing back.

Where are they going to find the money to educate their own children and make health insurance affordable? Where are they going to find the money to send their kids on to college? I do not know. I do not know where they find the money for public transportation, health research or any of the things that have made this country great, but those are the issues that this deficit is all about. That is why we are making such a big deal about it. It is so wrong, so irresponsible.

We will have spent a couple hundred billion dollars in Iraq. We will have spent money on homeland security, maybe \$30 billion a year. But those are not the principal reasons we have the deficit. About 60 percent of this deficit, way over the majority of the deficit, is attributable to tax cuts, to a policy that has been irresponsible from the very beginning. There is nothing wrong with giving people child tax credits. There is nothing wrong with accelerating depreciation in plant and equipment and so on, but there is something wrong when the average 20-year-old gets about \$300 from a tax cut, and that is about 1 percent of what millionaires will get out of this tax cut. That is wrong.

This tax cut did not go to those people who needed it the most; it went to those people who needed it the least. And it is so doubly wrong to be paying for it on the backs of the working class by borrowing from Social Security and Medicare trust funds, by sending the debt to our children's generation and then retiring on Social Security and Medicare, leaving them to pay for our Social Security and medical costs, leaving them to pay the interest on the debt we accumulated and leaving them with virtually no resources to invest in their own children's education, health care, transportation, law enforcement and the like. It is just unbelievable how irresponsible this economic policy has been.

We would never treat our own children like this, but somehow, as a country, despite all our rhetoric to the contrary, this body has left a debt on the backs of our children that we know they can never, ever recover from, and it did not have to happen. That is why we are on the floor today urging this administration, urging this House of Representatives to do the right thing, not to continue to make permanent tax cuts that cannot be paid for, that are not necessary to stimulating this economy; not to continue a policy that is based upon turning the debt over to the next generation. It is irresponsible, it is un-American, and it is wrong.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Virginia (Mr. MORAN) for his eloquent remarks. That is the reason we took advantage of this Special Order, to call attention to this problem. It should be a problem of national concern, a call to action.

Here we are 9 days before the end of the fiscal year, and we do not even have a budget for next year, much less a multi-year budget like those we adopted in 1990, 1993 and 1997 and finally brought the deficit to heel. We do not have any of the implements in place to deal with this monumental problem, even though we proved in the 1990s that those implements, like the PAYGO rule, the discretionary spending ceiling and sequestration were useful tools and could actually turn the budget around from a deficit of \$290 billion in 1992 to a surplus of \$236 billion in 1998. That actually happened, and it can happen again if there is leadership coupled with the right process and procedures in this House, and we do not have them at all.

We do not even have enough consensus under the Republican leadership of this House and Senate to develop a budget for next year, much less a budget for the next 5 years. We will never do it. If there is anything learned from the 1990s, we will never do it ad hoc. Indeed, the biggest enemy I have often said of deficit reduction is something we call disaggregation, breaking the process up into so many pieces that nobody ever gets a full picture of what is happening even though it is a monumental process.

So here I stand, 9 days before the end of the fiscal year. We thought it was an appropriate time to call attention to the record of this year, the record debt, and to the fact there is no prospect for dealing with this in 2005 at all.

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for clarifying the context in which this Special Order was made. I know that the gentleman supported President Bush, the 41st President's policy of PAYGO. If we are going to cut taxes, we have to show how we are going to pay for it.

□ 2145

We have got to balance the budget. President Bush the 41st set us on to that path of fiscal responsibility. President Clinton, in the 1993 Balanced Budget Act, made it work. He put tight spending limits. He made sure that if we cut taxes, then we are going to offset it so that we can continue to keep that balanced budget. And, boy, it worked. For 8 years it worked. And I know how strongly our ranking member on the Committee on the Budget supported that policy.

But now I know that the ranking member has supported just as strongly trying to sustain that policy; and yet for some reason, the other side, apparently, the majority of this Congress, feels that that policy, even as successful as it was, should not be continued.

Mr. SPRATT. Mr. Speaker, reclaiming my time, to wrap it up, looking back, we started off talking about the deficit and accumulation of debt. Here is what we have accomplished, this Congress and this administration, in 3 years:

The first year, instead of paying down the debt as the Clinton administration had done for 3 years in a row, they raised the debt ceiling by \$450 billion. That was good for just 1 year. The next year, 2003, they raised the debt ceiling again by \$984 billion, the biggest increase ever; and it has lasted for 15 months. Waiting in the wings right now is another debt ceiling increase of \$690 billion; and what it is waiting on is a bill to which it can be attached, a vehicle that can carry it to passage with as few fingerprints on it as possible because nobody wants to be responsible for passing that kind of debt ceiling increase.

So the Treasury is reduced to engaging in a lot of gimmicks with Federal retirement funds, for example, in order that we can tie things over until finally that debt-ceiling increase can be passed. In 3 years we will have raised the debt ceiling by \$2.1 trillion. Compare that to the previous 8 years, and it is a phenomenal and depressing reversal.

I thank the gentleman for his participation and his eloquent comments.

OUR TROOPS IN IRAQ

The SPEAKER pro tempore (Mr. MCCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HUNTER. Mr. Speaker, I rise to talk about the rotation of troops in Iraq that has occurred over the last year or so and the rotation that is being scheduled for the next year.

There has been a statement by the Kerry campaign, by Senator KERRY, to the effect that there is a secret plan to call up a lot more troops and to do some wild thing after the election. That is not the case, Mr. Speaker. And, in fact, we held a hearing in July in which the Department of Defense walked through their plan for the next phase or the next rotation of troops into Iraq. And let me for the record just go over what has taken place.

The first half of this chart showing Iraq shows the present configuration of major ground forces in Iraq; and what we had before this, of course, was the 101st Airborne up north in the northern area. We had the 4th Infantry Division in the Tikrit area. That is over here. We had the 1st Armored Division in the heart of Baghdad, and we had out to the western area, all the way to the Syrian border, the 82nd Airborne Division. That rotation took place in which those forces were replaced by the forces that are there right now.

And as a result of that, we have got a striker brigade up north that took

the place of the 101st Airborne. We have got the 1st Marine Division, in fact, the 1st Marine Expeditionary Force consisting mainly of the 1st Marine Division and supporting elements in this western area of operation. That is this big AO that goes all the way to the Syrian border. Elements of the 1st Armored Division remain in Iraq, did not move out, while some of them did move back to Germany. And to supplement that force, the 1st Cavalry Division moved into the Baghdad area. And, of course, we have the 1st Infantry Division that took over for the 4th Infantry Division in the Tikrit area.

That is the present state of forces. And the complement of Reserve forces that mainly supports these active major units is roughly 40 percent of the total force of the 138,000-or-so Americans who serve in Iraq right now.

We will have what we call OIF-3. That is the next phase of deployments to Iraq, and that was briefed by the Department of Defense. It was not a secret, for Senator KERRY's edification. In fact, they came in and had a hearing with the Committee on Armed Services, with our committee, and laid out their blueprint; and we had nationally televised hearings on this rotation. And this rotation reflected this: that we will be going in the western area of operation, that is this area that goes west of Baghdad to the Syrian border. The 1st Marine Expeditionary Force will be replaced by another Marine Expeditionary Force. To the north we will have another striker brigade. That is the Mosul area. The 1st Infantry Division will be replaced in the Tikrit area up north of Baghdad by the 42nd Infantry Division. The 3rd Infantry Division will move into the Baghdad area, and portions of the 10th Mountain Division will move into the Baghdad area also, displacing the 1st Cav, which is presently in the Baghdad area, and the 1st Armored Division.

After Senator KERRY made those remarks, I contacted the Chairman of the Joint Chiefs, General Myers, and he sent a letter, which I am going to place in the RECORD, Mr. Speaker, saying this: "With regard to the recent comments concerning our Reserve and National Guard alert notification process, I can assure you there has never been any guidance to defer notification until after the Presidential election."

The clear message in Senator KERRY's remarks was that somehow there was a secret plan to have a big rotation of troops that would be announced shortly after the election. Well, every 180 days there is an announcement of the next rotation of troops, and the reason we do that is so that the troops will have notification and will be able to tell their loved ones and get their affairs in order so that they can, in fact, embark on that particular rotation.

So in the spring, the Department of Defense came and told us about this next rotation that is called OIF-3 that will take place starting this fall and

moving through the spring. Then in November or December, they will come in, and they will give notification just like they did in April and May about the next rotation of forces that will displace OIF-3 and rotate into Iraq on a regularly scheduled basis.

The Reserve component of this 135,000 to 138,000 troops that is presently in Iraq will continue to be between 35 and 40 percent of the total force. So it will remain constant. There is not going to be any huge spike in the proportion or number of troops from the Reserves that make this particular force mix.

Let me read the last statement by General Myers when he talked about this. This is the Chairman of the Joint Chiefs of Staff, after having said "I can assure you there has never been any guidance," never been any guidance, "to defer notification until after the Presidential election"; so every 6 months they make an announcement, and they lay down a blueprint like the blueprint that is front of us here. He says, "Alert notification is an established and consistent process based on meeting the needs of the combatant commander while ensuring, to the maximum extent possible, earliest notification of those units affected. As in the past, our goal is to alert as early as possible and mobilize in order to conduct necessary training before deployment."

"Our target for Reserve combat units is 6 months prior to their deployment given the time required to achieve proficiency at the company, battalion, and brigade levels of competence. Our target for our Reserve logistics units is less, currently at 4 months prior to deployment, since their tasks are typically smaller and less complex than their combat counterparts."

"The notification date is a balance between early notification and ensuring units are notified in as complete a package as possible and not so early that changes in the operational situation may alter the combatant commander's needs and ultimately the composition of the deploying force. In the case of the current rotation, we announced our plan in the spring of 2004, testified before your committee in July, 2004, and deployed the first unit in the fall of 2004. For the next rotation, we will announce our plan in November, 2004, with the first unit deploying in May, 2005."

He goes on: "As of September 15, 2004, 800 individual ready Reserve members have been activated. The intent is to fill 5,600 slots by December, 2004, with the potential to go higher if required. The skill sets that are in the highest demand are transportation, logisticians, mechanics, military police, and engineers." And that figure is consistent with what DOD told us several months ago, referring to the 5,600 people.

So, Mr. Speaker, this is a blueprint of the deployment that has taken place and a blueprint of the deployment that

is to come; and every 6 months, without regard to politics, without regard to elections, and simply with regard to the men and women who wear the uniform of the United States and their families, the Department of Defense will continue to give advance notice on about a 180-day basis. So, Mr. Speaker, I wanted to lay that out.

A letter from the Chairman of the Joint Chiefs of Staff follows:

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,

Washington, DC, September 20, 2004.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, House
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: With regard to the recent comments concerning our Reserve and National Guard alert notification process, I can assure you there has never been any guidance to defer notification until after the Presidential election.

Alert notification is an established and consistent process based on meeting the needs of the Combatant Commander while ensuring, to the maximum extent possible, earliest notification of those units affected. As in the past, our goal is to alert as early as possible and mobilize in order to conduct necessary training before deployment. Our target for reserve combat units is six months prior to their deployment, given the time required to achieve proficiency at the company, battalion and brigade levels of competence. Our target for our reserve logistics units is less, currently at four months prior to deployment, since their tasks are typically smaller and less complex than their combat counterparts. The notification date is a balance between early notification and ensuring units are notified in as complete a package as possible, and not so early that changes in the operational situation may alter the Combatant Commander's needs and ultimately the composition of the deploying force. In the case of the current rotation, we announced our plan in the spring of 2004, testified before your committee in July 2004, and deployed the first unit in the fall of 2004. For the next rotation, we will announce our plan in November 2004, with the first unit deploying in May 2005.

As of September 25, 2004, 800 Individual Ready Reserve members have been activated. The intent is to fill 5,600 slots by December 2004, with a potential to go higher, if required. The skill sets that are in the highest demand are transportation, logisticians, mechanics, military police and engineers.

To reiterate, and consistent with our notification process, we will notify the next package of combat troops in support of OPERATION IRAQI FREEDOM and OPERATION ENDURING FREEDOM in late November 2004 to meet a May 2005 deployment date or the lead unit of the rotation.

Sincerely,

RICHARD B. MYERS,
Chairman.

I yield to the gentleman from Georgia (Mr. GINGREY) and allow him to make a few remarks on the subject of Iraq.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from California, my chairman of the House Committee on Armed Services, for yielding to me.

Mr. Speaker, in recent days many of my colleagues from the other side of the aisle have come to the floor of the House to criticize the President's policies on Afghanistan and Iraq. The rhetoric of the minority side of the aisle is

paltry at best, and tonight I would like to try to set the record straight.

The two chief arguments of the Democratic Party that I believe are based on faulty logic are these: first, America has lost its focus on the war on terrorism in Afghanistan; and, second, President Bush has failed to build a true international coalition to fight this war.

Let us point to the administration's Afghan focus. First and foremost, we in the Congress must make the distinction between less cable news coverage and less administrative attention to the situation in Afghanistan. Despite what many would have us believe, the success stories coming out of Afghanistan are not only remarkable, but they far outnumber the negative ones. Negative stories make the news, but the positive ones are there as well. And native Afghans are returning to their homeland in droves now that the country has been liberated from the oppression of the Taliban. Just this year 200,000 Afghans have returned home from Pakistan, bringing the total number to 2.2 million from Pakistan since 2002. Also, recently the 1 millionth Afghan refugee returned home from Iran. Many of these refugees are highly educated teachers, health care providers, and community leaders that were thrown out of the country by the Taliban.

I do not believe that this extraordinary number of Afghan citizens would pick up and return home if they believed that Afghanistan was not a safer place. To the contrary, they are returning home because their country has been liberated from an oppressive regime and they are once again free. The Afghan economy continues to power ahead; and previously unheard-of opportunities are opening up, particularly, Mr. Speaker, for Afghan women.

Let us talk about democratic development. Perhaps the most notable development in Afghanistan is the progress of democracy. The country's first post-war presidential election is scheduled for October of this year. Voter registration efforts have exceeded, far exceeded, expectations. Several months ago, officials predicted up to 5 million registered voters, but according to the Joint Election Commission, more than 9 million people, out of 10 million eligible voters, have registered to vote, and 41.6 percent of them are women.

□ 2200

Furthermore, despite serious efforts to disrupt it, voter registration continues at a pace of up to 125,000 people per day. Afghan citizens are optimistic and excited by democracy, I think their country is headed in the right direction, and I commend our President for his efforts in this regard.

President Bush's efforts to build a true international coalition, let us just talk about that for a little while. Few positive and accurate statements have been made regarding the 32-nation

United States-British led coalition in Iraq or the 35-country security force in Afghanistan. Unfortunately, this has reinforced the falsehood that America is isolated and hated on the world stage.

Well, to the contrary, in fighting the War on Terror, the United States has assembled one of the greatest international coalitions this world has ever seen. The coalition in Iraq includes 21 nations from Europe and nine from Asia and Australia. Twelve of the 25 members of the European Union are represented. Sixteen of the 26 NATO member States are represented as well.

Let us recall that the decision to go to war in Iraq was undertaken only after years, years, of negotiations with the UN Security Council and no less than 17 failed resolutions.

There is broad political support internationally for United States aims and objectives in Iraq, as confirmed by the unanimously-passed UN Security Council Resolution 1546 which endorses the return of full sovereignty to Iraq and its interim government; sets out the role of the United Nations; and outlines the relationship between the new Iraqi government and the multinational force in the country after the end of the occupation by the CPA, the Coalition Provisional Authority, on May 28.

Furthermore, the United States has spearheaded a huge international effort to reconstruct Iraq and to negotiate forgiveness of the country's massive debts.

I am concerned that a failure to properly account for the reality of international coalition efforts strengthens all of this anti-American sentiment abroad and diminishes the sacrifices and the contributions that our allies are making in the war on terror.

Mr. Speaker, with the aid of the international coalition, millions of people have been liberated, 170 newspapers are now being published, new modern power plants are being built, 64,000 secondary school teachers have been trained and some 5,000 school principals and administrators. More than 8.7 million textbooks have been printed and distributed throughout Iraq. Coalition forces have rehabilitated almost 2,500 schools, 22 universities and 43 technical institutes and colleges are open today. All 240 hospitals and more than 1,200 health clinics are open for business.

Healthcare spending in Iraq has actually increased 30 times over its pre-war levels and children, listen to this, are receiving crucial vaccinations for the first time ever. Over 5 million children have been immunized for measles, mumps and rubella.

Mr. Speaker, this is just a handful of the good that this coalition has brought to the people of Iraq. It is a coalition that was forged and preserved by our President, and I believe that it is fundamentally wrong to diminish the achievements of this coalition.

Furthermore, I hope that the rhetoric of the minority party would not

dishearten brave citizens of the 32 other nations that are giving of their talent, their time, and, yes, their treasure to do what they think is right in defending the freedom and interests of the people of Iraq and Afghanistan.

I yield back to the chairman of the Committee on Armed Services, and I thank him for giving me a little time to talk about all the good that is going on in Iraq and Afghanistan. We need to continue to bring that to the attention of our colleagues and the American people.

Mr. HUNTER. Mr. Speaker, reclaiming my time, I would like to just follow my colleague's comments for a second and then yield to the fine gentleman from Utah (Mr. BISHOP), also a member of the committee.

I am reminded that the gentleman has a military base in his area that is close to his hometown, Fort Benning, Georgia, the home of the United States Infantry.

Just thinking about Fort Benning, I am reminded of the great troops who are produced by Fort Benning over the many, many years, of people who fought in very difficult wars and who acquitted themselves in such an admirable fashion.

I am reminded of the attempts in recent years, especially in Vietnam, by members of the media and some Members of Congress, including Senator KERRY, to demean those people.

I remember Senator KERRY's statements when he came back in April of 1971 and appeared before a Senate committee and stated that America "had murdered 200,000 Vietnamese." He said at one point that 60 to 80 percent of our GI's were stoned 24 hours a day. He made outrageous statements.

It was that type of stereotyping and characterization that led to a mindset among some in this country that Vietnam veterans, that the GIs, the great products of the Infantry School at Fort Benning and many other GIs, were somehow misfits.

I can remember when we had a mass murder that happened at a McDonald's restaurant in San Diego during the '70's and one of the anchor persons asking, was it a Vietnam veteran that did it, as if "Vietnam veteran" and "misfit" went hand-in-hand.

That image was, to some degree, perpetrated by Senator KERRY and those like him who came back telling these outrageous lies about the people who carried the flag for the United States. He did not just speak against the war, which was fine; he demeaned his fellow troops.

I am reminded of another movie that was made about those great infantrymen who came from Fort Benning, and that is the movie that chronicled Hal Moore, who was a major who took on a huge number of North Vietnamese forces in the battle for LZ X-Ray early the war when he commanded the First Cavalry unit, the unit of the same First Cav in Iraq today.

This movie for the first time, in which Mel Gibson starred and I think

did a great job, characterized the true spirit of the American fighting man. It was the first movie that had been done for 20 years that was not shot through the eyes of a drug-crazed hippie in Hollywood, but was in fact directed and produced through the eyes of an infantryman, in this case Hal Moore.

I thought one of the most moving parts of that movie was not only the fact that here was an Infantry leader that prayed with his troops, which Hal Moore did, but it also reflected the greatness of these military wives who were waiting back at Fort Benning as the battle for LZ X-Ray took place and casualty counts were coming in.

They dreaded that knock on the door by a Western Union telegram man saying that your husband was KIA in this battle for LZ X-Ray, which was an intense battle with a lot of casualties on the U.S. side and enormous casualties on the side of the North Vietnamese.

The wife of Hal Moore, having the telegram man come to her door and she thought this is it, Hal has been shot, he came in and said he was actually looking for another address up the street and she realized her good friend was going to get the bad news in a few minutes. She said, "Wait a minute, I will deliver that telegram," and Hal Moore's wife then went door-to-door delivering these telegrams and consoling the women whose husbands had been lost.

That movie, for the first time in 20 years, overcame the image, the wrongful image, that people like Senator KERRY had produced, that was largely consumed by the American public. When he appeared before that Senate committee and said that American GIs were cutting off limbs and raping and robbing, I think he used the term in a manner like Genghis Khan, he said Genghis Kahn instead of Genghis Khan, that put together an image, a false image, that was not shaken for almost 20 years in this country.

So I just want to thank the gentleman for representing that great piece of America that is truly the home of the Infantry.

Mr. GINGREY. If the gentleman will yield further, I thank the chairman.

Mr. Speaker, what the chairman was just saying is just so true. It came home to me in a big and tragic way in this past week. I am a graduate of the Georgia Institute of Technology in Atlanta. The president of the student body just a couple of years ago at Georgia Tech, my alma mater, a young first lieutenant, Tyler Brown, was killed leading his troops in a firefight in Iraq.

He was an outstanding young man. Everybody said that one day Tyler would surely become President. I do not know about that, but I know that his mom and dad and his older brother Brent are suffering deeply now, as much as a person could possibly suffer, over the tragic loss of their son and brother.

As the chairman says, Mr. Speaker, you cannot support the troops out of

one side of your mouth and criticize them out of the other. This is the one thing that this family, this Brown family, has to hold on to for the rest of their lives, to know that Tyler, their son, who had such great potential, who gave his life for this country, killed in action, was not killed in vain.

I really appreciate the chairman, Mr. Speaker, bringing that out tonight, because you cannot be for the troops and against them. You cannot have it both ways.

I just felt like I needed to make that statement. I appreciate the chairman giving me the additional time to do that.

Mr. HUNTER. Mr. Speaker, I appreciate the gentleman and I appreciate the fact that he represents that great home of the Infantry.

I would like to yield at this time to the gentleman from Utah (Mr. BISHOP), also a very articulate member of the Committee on Armed Services.

Mr. BISHOP of Utah. I agree, Mr. Chairman, with that concept that we have a great many men and women who are serving nobly and have in the history of this great country.

Mr. Speaker, in the words of that great philosopher, Dan Quisenberry of the Kansas City Royals, he once said, "I have seen the future. It is just like the past, only longer."

Well, Mr. Speaker, I am just an old history teacher who believes that if we do not view our past, we fail to clearly view our future, and that history illustrates there are several principles which have made this a great country.

I would like to talk about two of those principles in relationship to Iraq that I think are characteristics that have built this great country. One is patience in the face of adversity, and the second is a feeling of charity that Americans have always displayed to other people.

Sometimes I think we live in a society that venerates speed. Everything has to be done quickly. Our dialogue, our actions, sometimes illustrate that impatience that we have.

I would like at times to go back to the days of Williams Jennings Bryan when he would go along the Chautauqua circuit, and he could speak for 2 or 2½ hours to an audience, totally mesmerizing them.

I realize that some of the speeches that are given on this floor feel as if they are going 2 or 2½ hours and we are not always that hot in the mesmerizing category, but, nonetheless, it does have a precedent.

In Berlin in 1948, when the Soviet Union decided it was going to push us out of that city, we made a commitment that lasted over 15 months that every day, every 3 minutes, another plane landed to defend that particular city. It was our commitment, our patience and persistence in the face of adversity.

Even in the 1960s, if you were a politician, the average sound bite, the average response someone had on the

media, was about 45 seconds, which does not sound like much, but it is a long time if you think of what you can explain in 45 seconds.

Today, in contrast, we live in a world where kids watching children's programs will find that the visual will change every 10 seconds so they do not lose interest; that we have a sit-com mentality that thinks that all problems in the world have to be solved in 22 minutes plus commercials; and we are frustrated when we do not quickly have results. Instead of 45 seconds for a response, today in the media if you cannot give a response in 8 seconds or less, which is the average, it just does not happen.

All this contributes to a rush of judgment where we consider the situations we are in today unique, and we fail to learn what I think is important lessons from the past, and it is critical, in light of what is happening in Iraq.

We have people that believe since we are trying to reform a country and create a democracy in an area that has no tradition of that, that is a task that is too daunting, and if we cannot transform that society overnight, then it is a task that is too frustrating. And an enemy that is comprised mostly of non-Iraqis are there to try and test our patience in the face of adversity.

Now, what I would like to say is if you look at history, this situation is not unique or unusual. After World War II, we went into Japan, a country that had absolutely no tradition of democracy, and yet by 1952 we had created or helped to create and establish a stable democracy that is one of the major forces of the world today. But we fail to remember that that took 7 years of effort to reach that point.

In Germany, at the same time, we created a new constitution that is still in use, the "Basic Law," the Federal Republic, which is a strong republic, but we fail to remember that took us 4 years to reach that particular point.

In the Philippines after the Spanish-American War, it was 6 years of bloody violence before peace was brought and you could even start the reconstruction of that island nation.

□ 2215

In Iraq, which we have been in about the same time as the Berlin airlift used to break the Soviet determination to destroy that beautiful city, we have established a constitution, a new government, planned for elections, have a police force and an armed forces that are increasing every day. That is a phenomenal success in a short period of time. I guess we are doing things quickly today, but it is very positive. And that success will only come if we still maintain that value we have always had of patience in the face of adversity.

History says it is possible. History says that this country is best suited to be successful, and I believe that we can, in part because of the quality of our people.

If I could just very quickly talk about that other characteristic, which is the charity that we have always had to other people, by mentioning two people who have characteristics in common. One is they have great hearts; the other is they happen to be Utahans. If I could mention the name of Jared Kimber from Tremonton, a chief warrant officer, who emulated a former Utahan, a neighbor of his, Gail Halverson, known as the candy bomber in that Berlin airlift area of time.

But Jared, who flies a Black Hawk for the 82nd medical company, flying over the area, noticed that there were kids who just simply had nothing with which they could play. One day he noticed a bunch of kids trying to play soccer with a ball that deflated. So that day, he went to the PX. He bought candy. He bought soccer balls. He bought Frisbees, and as he was flying over, he distributed that from his helicopter. Every day he did that.

So, by June, he was getting packages from home weighing 60 pounds of stuff. A lady donated all of her stuffed bears for the kids of Iraq. The 9-year-olds in his community organized, and they got 300 balls of very different kinds so that the kids in Iraq could play with them, and those became Jared's kids for whom he sacrificed out of the goodness and the charity of his heart.

Another Utahan by the name of Paul Holton, a chief warrant officer in the Utah National Guard, a man that was mentioned by the President in his February National Prayer Breakfast is known now as Chief Wiggles over there, taking on something called Operation Shoe Fly where soldiers got shoes for needy families in Afghanistan. He recognized a problem in Iraq and gave it a new name called Operation Give in which clothing, dental supplies, toys and books are used for needy people.

In talking to students in Utah, Mr. Holton said, "War is challenging, sometimes a kill-or-be-killed kind of thing, and you are in a strange place, and it is dangerous. But what is missing? Well, it is the people." Holton said he was sick of hearing about all the bad stuff when there are so many good things that are also happening in Iraq.

He said the media makes it look like all Iraqis are hostile and want U.S. troops out. He realized it was important not only to help them establish freedom in their country but to reach out to them and address them on a personal level. He showed students pictures of friendly Iraqi children who benefited from this project as well as the families who welcomed the soldiers with open arms.

They are just like us in many ways, but they have lots of needs. Project Give or Operation Give helps let them know that we are not your enemy, we are here to help you and to give you freedom.

With that, he established a warehouse in Baghdad in an effort to try and help those who are from the poorest schools in the poorest segment. In

the spring of last year, he went to the high schools in Utah and said, as you are cleaning out your lockers, instead of throwing away all of your notebooks and supplies and pencils and crayons and everything, put them in a box. He gathered them together to make part of his trip to take them back to the poorest schools who, even though they have schools, do not have the supplies they need.

This is Operation Give, and this is the quality of people that we have working and leading and fighting and leading in Iraq.

Mr. Speaker, I do not know if it is against the rules if I mention that people can find out about Operation Give if they look up operationgive.org or www.chiefwiggles.com, because I certainly would not want to break the rules in letting people know about operationgive.org or chiefwiggles.com, so I hope if I say that, it is in the rules.

But I also recognize that we have within Iraq a situation that is going to be fraught with challenges, but we can meet those challenges because of the quality of people that we have and the history of success we have if we only keep our charity and our patience in the face of adversity.

As Patrick Henry once said, "I have but one lamp by which my feet are guided, and that lamp is experience. I know of no way of judging the future but by the past." We have a great past to guide us.

Mr. Chairman, I appreciate the opportunity of being here and sharing this time.

Mr. HUNTER. Mr. Speaker, I thank the gentleman very much. I am reminded, when the gentleman talks about the goodness of American GIs, that our country is good, and those GIs are good because they come from families where giving and helping other people is part of their character and part of their values.

I myself have a chief of staff who, with another member of the staff, have formed a group called Rescue Task Force, and even shortly after we had taken Iraq, this chief of staff Wendall Cutting, who himself had cancer for a long period of time, moved into Iraq with the help of other international organizations and built medical facilities for the people of Iraq. And when we were operating in Kosovo, and Albania was an area in which we had many refugee camps, Mr. Cutting and another staff member, Gary Becks, were the first people into those refugee camps with 40,000 of what they call "love boxes" from the people of the United States. And those were little shoe boxes that would hold scissors, combs, some medical things. It would help people, maybe a pair of socks, things that people who had to leave their house immediately, as a lot of the people who were forced out of Kosovo had to do, would need.

And along with those boxes containing immediate convenience items, they brought in ultimately millions of

dollars worth of medical equipment and food to those refugee camps. And the first camp they went into, they mentioned that every child in the camp was ill because they did not have a good water supply.

I am reminded that, when I talked about helping them to raise money for this organization, my chief of staff Wendall Cutting, who himself has cancer, said, that will be great, because we have about \$1 million worth of supplies ready to go in to the people who suffered from the hurricanes in the southeast. And even as we talk, they are moving to take those supplies to those very needy people.

So, Mr. Speaker, Americans are good, and the American people are good. And they have infused and embedded those values and that virtue in their sons and daughters who right now are serving in Iraq. And that is a message that I think is not lost on the world.

Mr. Speaker, a lot of the noise that we hear in the world is something that is manufactured. It is not genuine. A lot of the criticism of the United States is not genuine. I am reminded of the time that my mother and father were in the Philippines, visiting the Philippines. And they were near the embassy in Manila, and there was a long line of people waiting to get visas at that embassy, as there are every day I might add. And they had at the same time an anti-American demonstration in the town square there next to the embassy in Manila. And the demonstrators had big, well-made signs that said: "America out of the Philippines"; "Uncle Sam, go home"; "America, get lost." And interestingly, the organizers of the demonstration against America were going over to the visa line where Filipinos were waiting to get visas to come into the United States, and they were hiring people out of the visa line to come hold these demonstration placards that said, "We hate America." So it is very clear that many of the anti-American demonstrations around the world are not genuine.

The people in almost every country know the goodness of Americans. It is interesting, a friend of mine remarked today that with all of the talk about what we can do to make the Muslim world understand the goodness of America, I was reminded that the last several wars that we have fought have been on behalf of Muslim nations. That is, we freed Kuwait from the occupation of Saddam Hussein, and we saved Saudi Arabia, because Saddam Hussein's tanks were in third gear at the moment that we stopped his armored divisions dead still with the insertion of American combat troops. And we saved people in Bosnia who were being brutalized. And we have helped Muslim people around the world.

The message of America is that goodness prevails, and our people are good. Our GIs are great ambassadors of that goodwill, and all of the projects that the gentleman from Georgia and the gentleman from Utah talked about

that are being undertaken in Iraq are real projects. They really help people. Those inoculations really do save babies, and it is something that we can be very proud of.

I would like to yield to the gentleman from Michigan, Mr. McCOTTER.

Mr. McCOTTER. Mr. Speaker, I thank the distinguished chairman of the Committee on Armed Services for recognizing a lowly member of the Committee on International Relations.

Mr. HUNTER. Mr. Speaker, I would just tell the gentleman that he is a very articulate member of the Committee on International Relations. We would not think of not recognizing him.

Mr. McCOTTER. Mr. Speaker, hopefully, we do a better job of talking so my colleagues have to do less cleaning up of our messes.

I just wanted to take a moment to talk about the President's speech in front of the United Nations, especially in relation to the horrific events that we have seen in Iraq. I think it is very important that we see that we have two messages, deeply distinct, that are being aimed at the hearts of the world and our fellow Americans. On the one hand, we have the President of the United States standing in front of the United Nations General Assembly and reaffirming this Nation's commitment to democracy, to liberty and to hope throughout the world. On the other hand, we have terrorists who, despite whatever political rationale they put forward, are nothing short of murderers who offer a perpetuation of evil and horror for their fellow human beings.

It would seem to me today that nothing could more show the stakes in Iraq, because, despite the panaceas that are proffered by many politicians, Iraq has two futures. Iraq will be a democracy, or Iraq will belong to Zarqawi. No amount of international support that is promised will materialize. It is up to the Iraqi people and America's coalition partners to ensure that Iraq remains free from any tyrant, especially the tyrants of terror that are currently exerting their will in some pockets of the country.

I bring this up because it is important for us here at home to realize that the gravest threat to the United States of America in the battle for Iraq is our resolve, as the President has rightly said. For, as it has been noted often, the war on terror is fought as much on a map as it is on your mind as a civilian. The images that we see, the actions that are put forward are designed to terrorize us. And they are designed to terrorize us so that we can no longer think clearly or rationally about the situation in Iraq. It is designed so that a handful of evil people can try to obscure the fact that tens of millions of Iraqi people are living daily lives and are trying to build a country and a better future for themselves.

Mr. Speaker, a terrorist attack by one suicide bomber that blows up 47

people standing in line to join in the defense of their country and the promotion of their future, the story there is not the terrorists, the suicide, the foreign terrorists destroying innocent life; it is over 47 people in Iraq were killed to stand in line to defend their freedom, to fight for a better future for themselves and their children. And they will keep standing in line, and they will keep coming. That is the story. It is the resiliency of the Iraqi people, not the evil of the terrorists who wish to subjugate them once again and turn Iraq back into a haven for terrorists.

It is the terror that will preclude us from seeing that stark reality, the reality that we need to see, the reality that the gentleman from Georgia talked about, the historical examples that have been put forward by the gentleman from Utah, the rational thought that is required of us as policymakers and as people of this Nation to understand not only the stakes but the situation.

As we go forward and as the world looks and has a chance to reflect upon the message of the terrorists or the message of our President at the U.N., I think it is also necessary at this time for me to point out that, at the United Nations, many of those people in that General Assembly would not be sitting in those seats if their countries were free and democratic. So to all of those nations, be they free or democratic in the United Nations, regarding Iraq, I would just like them to ponder one thing. History may commend them for a reluctance to wage a war, but history will condemn them for their refusal to win the peace. And right now, those are the stakes.

I appreciate the opportunity to talk on this issue.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his very eloquent remarks.

Mr. Speaker, before I wrap up here, I would like to go over the rotation of U.S. forces in Iraq because, once again, the presidential candidate Senator KERRY has alleged that there is some secret plan to bring up a lot more people after the November elections, and I have a letter from the chairman of the Joint Chiefs, General Myers, that says that there is no secret plan.

□ 2230

He states that there has been no deferences of any notices of the rotations in Iraq as a function of pressure from anybody. Once more, let me go over the units that have moved in on the last rotation and the units that will move in on the next rotation.

We had the First Airborne Division or the 101st Airborne Division in Northern Iraq, that has been replaced now by the First Striker Brigade up in the Mosul area. We had the Fourth Infantry Division in eastern Iraq centered in the Tikrit area. And that Fourth Infantry Division has been replaced by the First Infantry Division.

We had the 82nd Airborne in the western area of operations that goes all the way to the Syrian border. That has been replaced by the First Marine Expeditionary Force, made up primarily of the First Marine Division.

We had the First Armored Division in Baghdad. Part of its elements have been replaced by the First Cavalry Division. And we are going to be going to a new rotation that was briefed to us in July with plenty of time, plenty of advance notice and plenty of publicity to the world. I do not know if Senator KERRY saw it, but it certainly was not secret. It was on national television, and that rotation is manifested in the second chart.

That shows the Striker Brigade that is in northern Iraq presently being replaced by another Striker brigade. It shows the First Infantry Division in the eastern sector being replaced by the 42nd Infantry Division. It shows the First Cav and the First Armored Division being replaced by the Third Infantry Division, and the Tenth Mountain Brigade, and it shows the First Armored Division moving out and the First Cavalry Division moving out.

So that is the rotation with respect to Reserves. The ratio of Reserves to active forces will remain in the 35 to 40 percent range, and there are 5,600 members of the individual ready reserve. That number has already been laid out by the Pentagon and those people are in particular specialties, 800 of them have been called up. More will be called up as time goes on. And in November or December there will be another blue print because there is a blueprint laid down every 180 days, and it will maintain approximately the same number of people, 135,000 to 140,000 personnel in Iraq. And it will maintain approximately the same Reserve to active duty proportion.

So that is the game plan that has been laid out in front of the entire Nation by DOD. There has not been any attempt to hide it, to delay it, to wait for the election before they laid it out. And in another 4 or 5 months they will lay out the next 180-day plan, and 180 days from then they will lay out the next plan.

That is the means of notifying the country so that units and individual families and personnel in the armed services can have plenty of notice.

CONGRESSIONAL BLACK CAUCUS AND THE PENDING ELECTION

THE SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for half the time to midnight, or 43 minutes.

MS. JACKSON-LEE of Texas. Mr. Speaker, I stand this evening to continue the Congressional Black Caucus Special Orders and discussion with our colleagues on the pending election that will be held this year on November 2, 2004; to speak to my colleagues about

the absolute imperative need to educate America and to be able to be diligent on what we fear to be episodes of attempts to suppress voting all over the Nation.

As I listened to my colleagues who preceded me on the floor of the House, I believe it is important to share some thoughts about the dilemma we find ourselves in. It may even be the engine behind the selection on November 2, 2004.

All of us have recognized the bravery and the valiant efforts, sacrifices that have been made by our friends and neighbors who find themselves in Afghanistan and Iraq. In my community alone, it is not only the enlisted personnel but it is likewise the Texas National Guard, the Reservists and many, many civilians.

We came to where we are today on different pathways. Some of us voted to authorize the authority to go to war, and many of us, such as myself, were adamant that this was the wrong direction to take. In the course of this debate, none of us, however, have taken to the task of criticizing or not recognizing the valor of our troops. And tonight I continue that position, to respect them and thank them, and to apologize to those families and to offer them sympathy, for those families whose brave men and women have already lost their lives.

One thing about this Nation is that we are eager to rise to the occasion to defend this Nation's honor. We were eager to defend America after the horrific tragedy of 9/11. And as I began, I started out by speaking to the question of voter suppression and the rights of voters, and I wanted to mention the tragedies in Iraq, as I have mentioned the tragedy on 9/11, because I think it all comes to the point of the American people finally making the decision of the direction they want this Nation to go.

In the last 48 hours or a week ago some 80-plus people were killed in Baghdad. There is no doubt that in the last weekend it was one of the bloodiest weekends that we have experienced. We know that three hostages were held. We know that Americans were held. We know that families in America today are mourning the loss of their loved ones who were beheaded in the last 48 hours.

We also know that this administration, the Secretary of Defense, and those responsible for the policy of this war, or the lack of policy, have not offered one solution, one suggestion of how we can return from Iraq with honor. There is suggestion, of course, that there will be an election in Iraq in January and one pending in Afghanistan. We took away the resources from Afghanistan and the support for President Karzai to be distracted by a war directed and called for by this administration which today we find out was on a truly false basis. That is why this election is one of extreme importance. As many have said, it may be the most

historic election, the most important election of our lifetime.

So I think it begs the question that we can come on the floor and pay tribute to those brave young men and women, but we have to tell the truth. There is a complete disaster in Iraq. There is complete pillage and murder and brutality and violence and explosions and loss of life and continued loss of life of those who we have sent to be on the front lines and who have been willing to take the oath to stand up and defend America.

Whose obligation is it? It is those of us who were elected. The President of the United States has to stand before the American people with a solution that will allow our men and women to return with honor. They have to in fact recognize that there must be action. In the President's remarks to the United Nations I did not hear a response to Senator KERRY's very provocative and important and instructive and meaningful statement on yesterday morning about solutions, calling together all of the allies that were in New York to help assist them or help to have assistance in working with Iraq, provide better training for Iraqi security forces, provide benefits to the Iraqi people, allow more Iraqi people to in fact engage in the rebuilding of Iraq, and as well ensure that democratic elections can be held next year. Actions, a statement of actions.

I bring this to the attention of my colleagues because the Congressional Black Caucus has been consistent in asking for some orderly response to a war that was called on the basis of weapons of mass destruction, called on the basis of imminent threat to the United States, called on the basis of a connection to al Qaeda, none of which are true. We simply asked for the truth. And so we continue with that message and we build on it because as we move towards the elections, we are likewise concerned with the people of the United States, and it is our commitment to ensure because this election is so important and it will be the telling story of how we move forward in Iraq, Afghanistan, North Korea, Indonesia, and the war on terror. We cannot afford for one single vote to be lost.

As I mentioned, the speech that was given by Senator KERRY, I perused some of the newspapers today because when we speak about voter suppression, many times it is thought that we speak about one group versus another. Yes, the Voter Rights Act of 1965 covered Southern States and protects the rights of African Americans and Hispanics in protecting them from being denied the right to vote. I might say that even with those laws, we had a tumultuous time in 2004. But I thought I would just show to my colleagues why I am standing here today, standing against voter suppression for any American.

As I read the Wall Street Journal, I am looking at both Alina and Paul Shipman, and the article talks about

the anatomy of a hospital bill. There are people spending \$29,000 because they do not have any insurance. That is what is going on in America, and that is why this election is so very important.

Or maybe we want to read the Los Angeles Times and look at a picture that shows somewhat of traffic congestion that is all over America because we need more transportation dollars and resources to improve our mobility. We need dollars to fix our bridges, to support our rail and our bus and our airplanes and our airports and our neighborhoods where there is extreme noise from our airports. We need dollars invested in America.

Then I show this last picture of Marita Michael, who testified in Washington, D.C. against the effort by this Congress to repeal the assault weapons ban in D.C. after she lost her young beloved son of 15 years old by gunshot.

This is why this election is so very important, and this is why we cannot afford to be denied the right to vote. And as I remind those, let me say that this is not a frivolous discussion, because even today we are finding out that we are going to have a tough time in this election, even in the backdrop of the legislation passed in 2002, the Help America Vote Act of 2002, which I will discuss later as I see my colleague has joined me, even as we have that legislation or the legislation of Senator DODD in 2001 that would have created the Equal Protection of Voting Rights Act of 2001, primarily because we are still facing the challenges of an election that can be tampered with.

Let me cite two or three points as I yield to the distinguished gentlewoman from California (Ms. WATSON), but I think it is important to set the groundwork. The reason why we are on the floor of the House is because there are families paying \$30,000 for hospitalization because they have no health insurance.

There are people trying to get to work and trying to develop jobs, and they are immobilized by traffic conditions that do not allow the free ingress and egress because we are stalemated in this Congress because so many dollars are going overseas to fight the war in Iraq. And there is no solution it appears, no pronouncement from this administration, no relief to these families who are longing, no relief to these individuals who are serving us, no understanding whether they will be able to come home or not.

Mr. Speaker, I was in the airport over the weekend, and I saw a number of our men and women who had come home for some time frame; and I stopped to thank them for their service and asked them how long they would be home. Some I hoped were coming home for good, but do you know what they said to me, Mr. Speaker? We have got 15 days and then we go back.

□ 2245

These are men and women who cannot be told when we are going to have

a resolution in Iraq, when we are going to transfer, if you will, the security aspects of Iraq to the people who should be securing their own country.

No one is suggesting that we cut and run, but we are suggesting that there be a statement, a pronouncement that there is a solution and that this administration knows the direction in which it goes.

So, again, this is an important election and just to remind you why it is important, why the Voting Rights Act is important and this election law is important, because even in the last election in Florida, there was the use of armed, plainclothes officers from the Florida Department of Law Enforcement to question elderly black voters in their homes and senior citizens' homes, the easiest persons to intimidate. The incidents were part of a State investigation of voting irregularities in the city's March 2003 mayoral election. Let me share with you one other aspect.

This year in Florida the State ordered the implementation of the potential felon purge list to remove voters from the rolls. That in itself was chilling, in a disturbing echo of the infamous 2000 purge which was found to be patently incorrect and egregiously wrong, suggesting that people who came to the polls in 2000 were felons when they were not.

In 2000, thousands of eligible voters, particularly African Americans, were removed from the rolls. After an outcry of the people in Florida and those around the country, the State abandoned the plan, after the news media investigations revealed that the 2004 list also included thousands of people who were eligible to vote and heavily targeted African Americans, while virtually ignoring many other voters.

Then lastly, Mr. Speaker, this is in a southern State protected by the Voting Rights Act of 1965 and 1968. In 2002 in Louisiana, flyers were distributed in African American communities telling voters they could go to the polls on Tuesday, December 10. Mr. Speaker, they also added that if they could not go, they could go this Tuesday, December 10, excuse me, 3 days after a Senate run-off election was held. Let me go over that again. They sent flyers out to tell the African American voters that they could vote Tuesday, December 10, which was actually 3 days past the election date that they should have showed up at. This is the kind of underhanded, almost insulting, but really threatening to the Constitution, actions that have gone on before by those who would want to turn away voters who disagree with them.

So that is why we stand here today, and I am delighted to yield to the distinguished gentlewoman from California (Ms. WATSON) who has been a strong voice on the issues of voter suppression and a member of the Congressional Black Caucus.

Ms. WATSON. Mr. Speaker, I would like to thank my colleague, the gentle-

woman from Texas (Ms. JACKSON-LEE) for yielding to me and for the Caucus for organizing this important discussion on voter intimidation and suppression in the United States.

In a Nation where children are taught at the earliest age that every citizen has the right to vote, it would be comforting to know that the last vestiges of voter intimidation, oppression and suppression have been swept away by the passage and the enforcement of the Voting Rights Act of 1965. The facts, however, are disconcerting.

In every national election since reconstruction, in every election since the Voting Rights Act was passed in 1965, voters, and particularly African Americans and other minorities, have faced calculated and determined efforts at intimidation and suppression, both above and below the Mason Dixon line, from California to Maine to Texas to Montana.

Overt, and often violent, voter participation in the era of Jim Crow now has been replaced by more subtle, but often just as intimidating, tactics. Gone are the days of poll taxes and literacy tests. Today, intimidation, threats, innuendo and deception are often more used to discourage voter turnout.

The list of strategies used by those who wish to suppress or intimidate voters is indeed varied and includes the following: challenges and threats against individual voters at the polls by armed private guards, off duty law enforcement officers, local creditors, fake poll monitors and poll workers and managers; signs posted at polling places warning of penalties for voter fraud and non-citizen voting or illegally urging support for a candidate; poll workers assisting voters in filling out their ballots and instructing them on how to vote; criminal tampering with voter registration rolls and records; flyer and radio advertisements containing false information; roadblocks placed near polling places; and internal memos from party officials in which the goals of suppressing voter turnout are outlined.

Mr. Speaker, the overwhelming evidence of widespread voter intimidation and suppression in our Nation and the fact that the presidential election of 2004 promises to be as close as the 2000 election, when every vote did count but was not counted, prompted me to draft a resolution condemning all efforts to suppress and intimidate voters in the United States and affirming that the right to vote is a fundamental right of all eligible United States citizens.

The resolution also urges States to replace decades-old election machinery with less error-prone equipment before the November 2004 national elections. It calls upon all States to institute a moratorium on the erection of roadblocks or identity checkpoints designed to racially profile or intimidate voters on election day.

Mr. Speaker, I saw this happening when I was the ambassador to Micro-

nesia, thousands of miles away and watching on CNN. I was horrified that my country would see on election day these kinds of racially-profiled activities that were intended to stop the person of color from voting. I was horrified and ashamed.

My resolution calls upon the Attorney General to vigorously monitor and investigate all credible allegations of voter intimidation and suppression and to expeditiously prosecute all offenders to the full extent of the law.

Mr. Speaker, all of us here today are very aware of the voter irregularities that took place in Florida during the 2000 election. We are very aware that every vote does count and that in 2000 perhaps as little as 600 votes separated the two presidential candidates.

We are also aware that many of the votes in Florida were disqualified due to antiquated voting machines used predominantly in minority neighborhoods. While just 11 percent of Florida's voters are African American, more than half of the spoiled ballots, that is, more than 90,000 of the votes tossed out, were cast by African Americans.

We are also aware of other unsettling events, one of which was conducted by the Florida Department of Law Enforcement in Orlando this summer. In that investigation, elderly African American voters were visited at their homes by law enforcement officers, curious about their voting behavior. Florida officials deny any attempt to intimidate voters. However, the Justice Department recently disclosed that it had initiated a civil rights investigation into what had occurred in Orlando.

The recent event in Florida follows on the heels of two other well-publicized events in Florida when in 2001 State officials attempted to purge its list of alleged felons, predominantly African Americans, and in 2004, when the State again attempted to purge its voter list.

Mr. Speaker, I, along with my colleagues from the Congressional Black Caucus, come to the floor of this House this evening to declare that never again will such acts of voter intimidation and suppression be used. It is high time for both parties to sign a mutual pledge to renounce any and all efforts to suppress the vote in this upcoming election.

The world will be watching our Nation on the eve of November 2. As we go into other Nations and the United Nations talking about liberty and democracy, we cannot be hypocritical. Not only will the Western world be watching, but the non-Western, and particularly the Arab, world will be following the election. If we intend to bring liberty to Iraq and any other country, we must model that behavior here at home.

So I want to show the world how democracy should be practiced, not how it should not, and as a person whose roots are on the continent of Africa, no

longer will we be suppressed or intimidated because our skins are black.

I am an American. I have been an American ambassador. I have a right to vote, and no one should stop me or mine from exercising that right.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman, and I am very honored, as any Member of the Congressional Black Caucus and Member of this body, to join the gentlewoman on this very important legislation to eliminate voter suppression.

The gentlewoman's chronicling the indictments of our various election systems is very important to educate our colleagues because many times it is thought that with the passage of legislation, and as you well know, we worked very hard to craft the Help America Vote Act of 2002.

Mr. Speaker, since this legislation, we are chronicling this list of indictments against the various election systems throughout the country. The Voting Rights Act of 1965 will be 40-years-old in about 6- to 8-months, and look at us. We are standing here talking about voter suppression. This is shameful.

Mr. Speaker, I want to thank my colleague and I want to make sure that we are mentioning my colleagues in the Congressional Black Caucus and our chairperson, the gentleman from Maryland (Mr. CUMMINGS) because, Mr. Speaker, we are committed to coming to this floor as often as it is needed to be able to educate our colleagues and to encourage you to join with us in supporting this resolution.

This resolution should be bipartisan and unanimous. Not one of us should be interested in suppressing the votes of someone like Ms. Michael who wanted to express herself in Washington, D.C., about the assault weapons ban.

□ 2300

She needs to be able to vote. No one should want to suppress the votes of thousands upon thousands of Americans who are stuck in traffic because we have not been able to focus on the investment in transportation in America. And certainly none of us should want to be able to stifle the votes of the 44 million uninsured, who like this family, the Shipman family, are paying enormous hospital bills, maybe even more than this, \$30,000.

The votes are important, but it makes me very sad when I can cite instances that occur today that go back to 1880 and 1910. For example, Florida adopted literacy tests, property qualifications, grandfather clauses which permitted an individual to vote only if his grandfather had thereby excluded the descendants of slaves.

Mr. Speaker, I want to engage with the gentlewoman from California as I put this forward. We are thinking that we have moved beyond this. In fact, let me say that one of the good news stories coming out of this is that we are going to be prepared. People for the American way, the Voters Institute,

the NAACP, the National Urban League, and many other groups are coming together to say loudly to America that we will not tolerate the denial of a vote and a vote not being counted.

Mr. Speaker, we expect to have some 10,000 or more lawyers, and we are recruiting them now. And if it is within the ethical posture, I hope those who are listening to my voice and who desire to be part of democracy and the privilege of voting and the rights of people voting would be in contact with these organizations and the Congressional Black Caucus regarding their desires, as legal scholars, to participate in protecting the rights of Americans so that votes will not be denied.

We have the right for provisional voting, Mr. Speaker. Let me tell you what is happening. We are intimidating people from using provisional voting. Just this weekend we came from Ohio, my good friend, the gentlewoman from Ohio (Mrs. JONES), a great leader in that State, invited some of us in to survey the procedures and to look at the opportunities and the structures for voting in Ohio. Lo and behold, we had one of their State officials suggesting restrictions on provisional voting. We will join with the gentlewoman from Ohio in working to ensure that that does not happen. That is not what provisional voting says. It says that if you come to a voting booth and you believe you have the right to vote, you can sign an affidavit, you can provisionally vote, and your vote should be counted. This is intimidation, Mr. Speaker, nothing more, nothing less.

Then we find out, as we visited our men and women in Iraq and Afghanistan, and I hear my colleagues saluting them, and I join them in doing so, but we know the trouble we had with our military voting in 2000. Well, I am surprised and concerned that we do not have a clear understanding how overseas ballots from our military personnel will get to their respective hometowns to be counted.

Now, I understand, and we are looking into this, that these ballots are to be received by the Pentagon. What an intimidating aspect to a specialist P4, a person who is simply an enlisted person, doing their best, having to know that some officer may have the opportunity to look at their vote. Where is the right of privacy?

So to all those family members who have loved ones in the military, you need to be tuned in and ask the questions of your elected persons: How will my loved one, my son, my husband, my daughter, my wife, my family member's vote be counted and will it be secure?

Additionally, Florida's current lifetime ban on voting by convicted felons, which disenfranchised nearly a third of all black males during the 2000 elections, dates back to the reactionary measures implemented in the late 19th century. We still have laws today that deny those who have done their time,

paid their dues, who are denied the right to vote. We need a national legislative initiative, as we have ongoing in this Congress, to restore the rights of individuals who have paid their dues for the crime they have committed, and who are committed to being contributing citizens of this Nation. How dare we deny them their right to vote, and I hope we are able to pass this legislation as soon as possible.

What about local election officials who use the secret ballot law to take advantage of high illiteracy among blacks? Under the guise of protecting the integrity of the ballot, the State of Florida barred anyone from providing assistance to a voter, even if they could not read. Frankly, I think that we are clearly a Nation that has a long way to go.

I would like to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who I joined, along with a number of others, I know the gentlewoman from California (Ms. WATSON) did as well, with her international experience. We will have international observers, Mr. Speaker, and that is no shame to the United States. If we are a democracy that we are proud of, then we need international observers to affirm the fact that we have lived up to our own obligations, duties and values. We should not be denying those individuals who are uninsured, people stuck in traffic, who cannot get from a job that probably does not pay that much because we have no public transportation, a mother who is crying over her deceased son concerned about the assault weapons ban. They need to vote November 2nd, 2004, in the various early vote methods that areas may have.

We have a catastrophe here, and I encourage those who are concerned about this Constitution to consider voting one of your most precious rights. We expect that this century and this election, to be the first presidential election fully into the 21st century after the turn of this century, this election should set the standard that we are prepared for anyone who seeks public office. It should not matter whether we agree with their position, whether they are black or white or Hispanic, whether they are south Asian or Native American, whatever their diversity, we should not undermine voters because of who they are and because of who they desire to vote for.

Mr. Speaker, the election in 2000 was won actually in the popular vote by another person. This election cannot have that dichotomy. This is a solemn challenge for this House and for the other body. This is a solemn challenge for those of us who take an oath of office and rise every morning to pledge allegiance to our flag. This is an enormous burden that we now have.

Frankly, Mr. Speaker, I am frightened, because of what the gentlewoman from California (Ms. WATSON) said, a former ambassador, when she was not a Member of Congress in that 2000 election and the experience that she had. I

spent 30 days in Florida after that election. I spoke to Floridians, senior citizens who were frustrated by the fact that they did not get a chance to vote as they desired. There were county officials distorting the ballot that then distorted the results of the election. I had disabled persons coming to me after that election crying out that we should never have it happen again where a disabled person cannot vote in dignity with the privacy that is necessary.

So it is important that we come on the floor almost every night, because I do not believe this law, the Help America Vote Act, has really been implemented. Ask how many jurisdictions have the technology necessary to allow disabled persons to vote privately, Mr. Speaker. I want every disabled person to be aware that they can go to their county seat right now, whoever is in charge of elections, and demand they be able to vote privately and have the kind of procedures in place to do so. It is their constitutional right.

So, Mr. Speaker, I believe that the work we have to do is yet undone; disabled persons, senior citizens and, yes, students. Students like the ones at Texas Prairie View A&M, who the district attorney told because they were students, they could not vote in the jurisdiction where they went to school. We are finding this happening all over America. The Constitution and the United States Supreme Court confirms that they can vote. The 1979 case that governed Prairie View A&M is applicable to students all over the country. Students can vote in the place of their school residency as long as they vote no place else. Let our voices be heard to all election officials who would even attempt to deny college students eligible to vote such as they did at Florida A&M, denying them the right to vote.

We believe elections should be guided by four fundamental principles: The voting process, particularly the voting systems in the administration of elections must be uniform and nondiscriminatory.

Voters must be able to independently and privately cast and verify their ballot. That is number two. That is the one we mentioned with respect to the disabled and senior citizens. No one who has a challenge of any kind should be intimidated and insulted and disgraced at the voting booth.

□ 2310

Number three, any voting system must comply with national certification standards.

And four, voter confidence and reliability in the electoral process must be maintained.

I yield to the gentlewoman from California (Ms. WATSON) for a question. She has crafted this resolution dealing with voter suppression. She comes from California. Many times we believe that these issues are only relegated to the southern States. I would like the gentlewoman to share some of the lan-

guage out of the resolution and the final resolve that says we are against voter suppression and intimidation because I hope, as we conclude our remarks tonight on the floor of the House, that we will be moving this legislation as quickly as possible because we cannot have in the 21st century the long shadow of Jim Crow. We cannot have the taking away of votes and the undercounting of votes.

Ms. WATSON. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE), and I appreciate the gentlewoman's passionate expression of the right to vote. That undergirds the reason why I introduced a resolution.

I read in the paper last week that there was a gentleman in one of the States up north who said we must suppress the black vote because, as you know, blacks vote Democrat, and so we must find ways to suppress their getting to the polls. I was appalled and shocked that we are dealing with something that was outlawed, we thought, by the Voting Rights Act of 1965. But we always have to be awakened to the facts and realities in which we live, that racism is not dead in this country; it just takes a different position, a different posture.

So despite the gains that we have made in securing our right to vote, new roadblocks have been successfully erected, including diluting the African-American vote by switching to an at-large election, preventing African-Americans from becoming candidates or obtaining office, voter fraud, the discriminatory selection of election officials, denying African-Americans access to precinct meetings and the harassment and outright exclusion of African-Americans from polling places.

And we know that, prior to the last election, there were notices sent out that said if the weather is bad, you do not have to vote on November, let us just use the 2nd, but you can vote on December 10. These are things that are occurring in today's atmosphere.

Mr. Speaker, I have put together a series of whereases in this resolution. What they do is document progress that has been made. I would like to read just one of them: Whereas voters in the United States, particularly African-Americans and other minorities, have faced calculated and determined efforts at voter intimidation and suppression in every national election since the reconstruction era.

An example of that was a few weeks ago in Florida where names were purged, but only names of African-Americans, and the person who was in charge, the secretary of state, said that the information gotten from the database on the census did not indicate whether Hispanics should be purged because they were considered to be white. If you have a Gonzalez and a Solis and a Menendez, that might make one question whether you have some Hispanics on this list. It is these kinds of calculated efforts that we want to do away with, and when I get back to my

district, I am going to contact my county bar association and ask if they will join in our efforts to be sure we have attorneys throughout this country who will be ready in a flash to go to court when we see these violations of the Voting Rights Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted for the gentlewoman to make that point. Let me quickly close by first of all thanking the gentlewoman and making mention of our chairperson, the gentleman from Maryland (Mr. CUMMINGS), and say that all of us are going to engage our county bar associations, the bars of the respective communities who believe in the justice of voting, to work with us.

Mr. Speaker, let me say, the reason why, even with Native Americans in the South Dakota 2004 primary, they were prevented from voting and were challenged because they did not have photo IDs which were not required in that State. The State of Arizona is now looking to do that.

We see there is reason for us to raise up the Constitution on the idea of voting, the Voting Rights Act and the very privilege of voting. We are in trouble, and the fact we are in trouble, there is a crisis and a need for us to surround the Nation with the idea that we will not tolerate one single act of voter suppression.

I ask my colleagues to support enthusiastically the Watson resolution against voter suppression. I ask those who are listening to engage their county government. And finally, I ask that we look at all of the electronic voting machines because we will engage in lawsuits if necessary to have a paper trail to protect the votes that will be going into those electronic voting machines.

Today we spoke on voter suppression. We will continue to do so because it is the right of the American people. This election must be free, and we must stand for freedom, justice and equality.

Despite significant gains our Nation has made to secure the voting rights of all Americans, credible reports of voter intimidation and suppression demonstrate that this most fundamental democratic right remains a dream deferred for some Americans.

I have joined my colleague from California, Ms. WATSON in introducing a resolution condemning all efforts to suppress and intimidate voters in the United States.

This resolution reaffirms that voting is a fundamental right of all eligible United States citizens; urges States to replace decades-old election machinery with less error-prone equipment before the November 2004 national elections; calls upon States to institute a moratorium on the erection of roadblocks or identity checkpoints designed to racially profile or intimidate voters on election day; and calls upon the Attorney General to vigorously monitor and investigate all credible allegations of voter intimidation and suppression and to expeditiously prosecute all offenders to the fullest extent of the law.

As we all learned during the last national election, each individual vote counts. By most accounts, the upcoming presidential election

will again underscore the importance that votes are counted accurately and that every qualified voter is allowed to exercise his or her constitutional right.

PEOPLE FOR THE AMERICAN WAY—PROTECTING THE INTEGRITY AND ACCESSIBILITY OF VOTING IN 2004 AND BEYOND

A STATEMENT OF PRINCIPLES ON VOTING SYSTEMS AND VOTER VERIFICATION

As the 2004 election approaches, there is significant concern among Americans that our voting system has not been sufficiently protected from a repeat of widespread disenfranchisement. New technologies require election officials to grapple with a complex set of interests, including accessibility for people with disabilities and sufficient security and accountability to prevent elections from being affected by equipment malfunction or tampering.

The enormous logistical difficulties facing state and local election officials in implementing the Help America Vote Act are compounded by limited resources and a lack of guidance from the federal government.

Preventing disaster on Election Day will require a public commitment from election officials at all levels of government—especially chief state election officials—as well as the resources to put in place equipment and procedures that will advance and protect the voting rights of all Americans.

Maintaining the integrity of our electoral process is critical to America's democratic institutions. Providing people with disabilities with the opportunity to vote in an independent and private matter is essential to comply with the moral and legal imperative of equality.

We are confident that there is a clear way forward that will allow states to achieve both goals to the maximum extent feasible for this year's elections, while encouraging additional advances in technology to fully serve the needs of all voters and election officials in future elections.

We believe action by election officials should be guided by four fundamental principles:

1. The voting process, particularly the voting systems and the administration of elections, must be uniform and nondiscriminatory;
2. Voters must be able to independently and privately cast and verify their ballot;
3. Any voting system must comply with national certification standards; and
4. Voter confidence and reliability in the electoral process must be maintained.

Less than ten weeks before the national elections, potential problems with voter registration lists, new and unproven technologies, insufficient resources for poll worker training, and inadequate voter education are increasingly being scrutinized for their potential to rob voters of their right to cast a vote that is counted. These, however, are not the only threats to the integrity of the elections, as a report released by People For the American Way Foundation and the NAACP makes clear.

The Long Shadow of Jim Crow: Voter Intimidation and Suppression in America documents that the vestiges of voter intimidation, oppression and suppression were not swept away by the Voting Rights Act or by subsequent efforts to enforce it. In fact, deliberate efforts to deceive or intimidate voters into staying away from the polls continue to emerge in nearly every major election cycle.

NAACP Board Chairman Julian Bond has been quoted as saying that "Minority voters bear the brunt of every form of disenfranchisement, including pernicious efforts to keep them away from the polls."

"This report is a reminder that while we are keeping an eye on state officials and new voting machines, we cannot relax our vigilance against these kinds of direct assaults on voters' rights."

Poll taxes, literacy tests and physical violence of the Jim Crow era have been replaced by more subtle and creative tactics.

This summer, Michigan state Rep. John Pappageorge (R-Troy) was quoted in the Detroit Free press as saying, "If we do not suppress the Detroit vote, we're going to have a tough time in this election." African Americans comprise 83% of Detroit's population.

In Kentucky in July 2004, Black Republican officials joined to ask their State GOP party chairman to renounce plans to place "vote challengers" in African-American precincts during the coming elections.

Most recently, controversy has erupted over the use in the Orlando area of armed, plain-clothes officers from the Florida Department of Law Enforcement (FDLE) to question elderly black voters in their homes as part of a state investigation of voting irregularities in the city's March 2003 mayoral election. Critics have charged that the tactics used by the FDLE have intimidated black voters, which could suppress their turnout in this year's elections. Six members of Congress recently called on Attorney General John Ashcroft to investigate potential civil rights violations in the matter.

This year in Florida, the state ordered the implementation of a "potential felon" purge list to remove voters from the rolls, in a disturbing echo of the infamous 2000 purge, which removed thousands of eligible voters, primarily African-Americans, from the rolls. The state abandoned the plan after news media investigations revealed that the 2004 list also included thousands of people who were eligible to vote, and heavily targeted African-Americans while virtually ignoring Hispanic voters.

In South Dakota's June 2004 primary, Native American voters were prevented from voting after they were challenged to provide photo IDs, which they were not required to present under state or federal law.

Earlier this year in Texas, a local district attorney claimed that students at a majority black college were not eligible to vote in the county where the school is located. It happened in Waller County—the same county where 26 years earlier, a federal court order was required to prevent discrimination against the students.

Last year, voters in African American areas of Philadelphia were systematically challenged by men carrying clipboards and driving sedans with magnetic signs designed to look like law enforcement insignia.

The Long Shadow of Jim Crow also reviews the historical roots of recent voter intimidation and suppression efforts in the days following emancipation, through Reconstruction and the "Second Reconstruction," the years immediately following the passage of the Voting Rights Act.

The 1965 Voting Rights Act was among the crowning achievements of the civil rights era, and a defining moment for social justice and equality. Yet as The Long Shadow of Jim Crow documents, attempts to erode and undermine those victories have never disappeared. Voter intimidation is not a relic of the past, but a strategy used with disturbing frequency in recent years. Sustaining the promise of the civil rights era, and maintaining

the dream of equal voting rights for every citizen requires constant vigilance, courageous leadership, and an active, committed and well-informed citizenry.

This year, with widespread predictions of a historically close national election and an unprecedented wave of new voter registration, unscrupulous political operatives may seek any advantage, including suppression and intimidation efforts. As in the past, minority voters and low-income populations will be the most likely targets of dirty tricks at the polls.

"Forewarned is forearmed," said Bond. "We are reminding voters, election officials, and the media about the kinds of dirty tricks that can be expected. We must be prepared to confront and defeat them."

Mr. Speaker, I ask my colleagues on this side of the aisle to take heed to the warning of Mr. Bond, for four more years is a very long time and could mean the difference between a safe America and continued war and costly occupation; money for our children's education and failure to utilize affirmative action to bring about equality in education; respect for the U.S. Constitution and continually closing doors to federal courthouses. Four years could mean a very long time if we do not work for change in the administration of our government.

BIG TROUBLE LIES AHEAD

The SPEAKER pro tempore (Mr. MCCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for half the time until midnight or approximately 43 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I think it was in The Music Man where the seller of that musical equipment here in River City. We have big troubles here in Washington, D.C., and in America, for a couple of reasons.

The competition from other countries as they try to copy our techniques of production means that the competition is greater than it has ever been. Our future generations are going to be much more challenged than we have been. Actually, the baby boomers are a generation that is going to start retiring in the next 4 or 5 years; 73 million baby boomers will start retiring, probably the richest retirees that this country has ever had, probably the richest retirees this country will ever have.

We have some challenges in Washington as politicians tend to solve more and more problems, saying, somehow it must be Washington's responsibility rather than the individual's responsibility to solve some of these problems. What we have done is ended up, for example, with a tax system where now, today, 50 percent of the adults in the United States only pay about 1 percent of the income tax. So, of course, there is a lot of that 50 percent who are suggesting that maybe government should solve more of their problems because they do not have a stake in it.

The flat tax or the consumption tax, the sales tax are some suggestions that say, everybody has to have a stake in

the way this country operates and the services that Federal Government provides.

This first chart shows some of the problems of over-promising. What the economists with the green eye shades call unfunded liabilities means the amount of today's dollars that would have to be put in a savings account drawing interest that equals inflation and the time, value of money to come up with the dollars necessary to pay for these programs, over the next 75 years in this case.

□ 2320

If we add up Medicare, part A Medicare; part B Medicare; part D, the drug program; and Social Security, it comes to \$73.5 trillion, according to Dr. Saving, who is the trustee for both Social Security and Medicare, \$73 trillion that would have to be put in a savings account today to earn the revenues in addition to the money coming in from the FICA tax, the payroll tax, to accommodate today's promises. A huge challenge for this government to try to develop the kind of discipline of stopping the overpromising and, for that matter, stopping the overspending. If we add the unfunded liabilities to the debt, the \$7 trillion debt that we have today, added to the \$73 trillion in unfunded liabilities, it means that it is almost insolvable without dramatic cuts in benefits or drastic increases in taxes.

If we do not make some changes, what we see happening in other countries can very well happen in the United States. And that means, Mr. Speaker, take a guess, and I ask my audience to take a guess of what the payroll tax is in France to accommodate their senior population. It is over 50 percent. The payroll tax in Germany to accommodate their senior population has just gone over 40 percent. Of course, that makes them much less competitive. And I am just suggesting, Mr. Speaker, let us not let that happen in the United States by continuing the tendency, the political tendency, because the more we overpromise, traditionally the likelier we are to get a few more votes and get elected to Congress, and if the people that elect us to Congress want somebody there who is going to spend more, promise more, borrow more, tax more, then that is the kind of government we are going to end up having.

Let me just briefly go through this chart of unfunded liabilities. Medicare part A, which is mostly to hospitals, is estimated to have an unfunded liability of \$21.8 trillion. Medicare part B that doctors charge, mostly doctors, is \$23.2 trillion. Medicare part D, the new prescription drug bill that we passed recently, adds another \$16.6 trillion unfunded liability to the cost of Medicare. Social Security is just at 11.9, \$12 trillion unfunded liability for Social Security. That is more than a quarter of a million dollars of unfunded liabilities for every man, woman, and child in America.

How do we shout long enough, hard enough, aggressive enough to get the Congress to pay attention? I think probably the secret is that Americans have to start paying attention to what is happening in their United States Congress, what is happening in their State legislatures, what is happening with their counties as governments at all levels are called on to solve more and more of the problems of individuals.

Let us take a look at the fact that we are going to have a strong economy. I mean, regardless of what we do and the solutions to Medicare and Social Security and stopping the overspending and trying to balance the budget, and, by the way, hopefully in the next several weeks we are going to take up the Balanced Budget Amendment that will add a little more pressure to us to stop our overspending, regardless of what we do, if we do not have a strong economy in America, we are not going to make it. We are going to start going downhill relative to other countries.

The interest on the debt is now over \$300 billion a year, and the interest rate is continuing to climb. In fact, we are still at a very low interest rate; but it is still using up 14 percent of the total Federal budget, and that is growing rapidly for two reasons: interest rates are going up and our propensity to overspend because people do not like taxes, borrowing is sort of putting off the tax increase for a later time, and usually what we are talking about is a later generation.

So we continue to overpromise, overspend, and overborrow. And what that means is a tremendous obligation to future generations, not only coming up with the promises, overpromises, and the unfunded liabilities, but coming up with the additional amount of the budget that is sucked up paying the interest on their debt.

I would suggest that if we are going to have a strong economy, we have got to change our tax system. Our tax system in the United States puts our businesses at a competitive disadvantage. It discourages savings and investment, and that is why I have introduced H.R. 3060, which is a flat tax that ends up taxing at the rate of 17 percent. After the deduction, it taxes at 17 percent across the board. So, number one, everybody has a stake. Number two, it puts our businesses in a more competitive position with other countries in terms of the selling of our product.

Let me talk about our current Tax Code: 7,000 Tax Code changes have been made just since 1986, 74 percent increase in the tax rules since 1986, and they are growing every day. Taxpayers spend 6.1 billion hours, 6.1 billion hours, preparing their tax returns, 8 billion pages of returns every year, and it is becoming more complicated. So people, individuals, taxpayers, do not totally understand how the tax system works. I have heard young people say, Well, I am looking forward to tax day because government sends me a check.

But the fact is they have been taking money away from them on every paycheck, and so the government owes them much more money than they are getting back.

Government estimates of tax compliance costs reach \$183 billion every year. Compliance costs approach 20 percent of the total income tax revenue. Extremely complicated, difficult, takes a lot of time. Businesses adjust their business decisions to lower their income tax often more than the commonsense, logical, market-based decisions they would otherwise make, which makes them more inefficient in terms of being competitive.

I thought it would be fun to just review the total pages of Federal tax rules. As lobbyists and special interest groups come in to lobby Members of the House and Members of the Senate and lobby the White House, they are interested in having special provisions in our complicated tax system that are going to benefit their particular clients. And what this has resulted in is more and more complications, more and more rules, and more and more pages of tax returns that if one is going to understand the system, they have to hire an accountant that is going to spend full time almost on the tax policy.

In 1913, we had very few rules and very few taxes. In 1945, we approached 10,000 pages. By 1984, we approached 30,000 pages. Now we have about 50,000 pages of Federal tax rules that go into detail explaining the laws that this Congress has passed often to benefit some particular interest group.

Just briefly on the flat tax, the flat tax bill I have introduced starts at 19 percent for the first year and then drops to 14 percent the second year and thereon. It is a 17 percent flat rate after the deduction. The deduction is \$36,600 for a family of four. So they do not pay any tax on the first \$36,600 if they are a family of four; 25,000 if they are a couple. It ends the double taxation on savings, ends the double taxation on dividends and capital gains. That means there is going to be a greater incentive to invest and to save. And that is what makes our economy and our productivity grow: the savings investment is the seed corn of the research and development that develops the kind of research and technology that result in better products produced more efficiently.

□ 2330

That is what is going to keep us competitive.

Just as a footnote, I would urge every parent to encourage their kids to make a special effort in science and math. Science and math achievement in the United States is one of the lowest in the world, and probably as technology becomes more an integral part of how we develop more efficient ways to produce products and actually the development of those products, students that have a good background in science

and math are going to be the ones that are going to find it most easy to get a good-paying job.

I think I am down to the fact that it allows individuals to file their returns on a simple postcard form. I printed up that postcard form of what I see as the kind of tax form that is going to make taxpaying very simple and very easy. It increases confidence that everyone pays their fair share.

The flat tax is pro-growth. It is pro-freedom. I think most people in America are sick and tired of the rhetoric that says, well, we are going to make some adjustments here and there. They would like to get rid of the IRS. They would like to have the kind of tax system that encourages them to work and to produce and to save and invest.

Look, when we started this country, that is how our forefathers wrote the Constitution. They said in effect those that work hard, that study, that use that knowledge, that save and invest and try, end up better off than those that do not.

Of course, what we have done in the last 30 or 40 years is we have tended to divide the wealth and take away from those that are successful and give it to those that are less successful. In so doing, we have taken away some of the incentive that has made this country great, and that is the rewards for achievement and the rewards for trying and saving and hard work.

This is the flat tax postcard form. You put down your wages and your salary and your pensions. The personal allowance is \$25,580 for married filing jointly, \$12,790 for a single, \$16,330 for a single head of household. Number of dependents on the next line. Line 4 is the personal allowance. Multiply \$5,510 by each dependent.

What you have left after you subtract those deductions from wages, salary and pension is what you pay your 17 percent tax on. If you paid ahead of time, you subtract the taxes that you have already paid and figure out what government now owes you or what you owe the government.

We are having a lot of debate. Everybody agrees that we should change our complicated Tax Code because of its preferences that have been built in over the years to special interest lobbyists, because of its complication, and because it discourages effort and it discourages learning and it discourages savings.

Should we have a flat tax or sales tax? On the flat tax or sales tax, let me suggest that they both have the same type of tax base and they accomplish the same kind of results as far as encouraging business expansion, good jobs, a fair way to tax.

However, the tax base of a true national sales tax and a flat tax in the fashion of Dick Armey's or Steve Forbes' proposal will be the same. The tax base of a true national sales tax and a flat tax are going to be the same. In both cases, the tax is on consumption and not on investment, which is a

superior tax for economic growth that is going to benefit our competitive position with other countries and certainly benefit the general public.

The question then really is on which tax is going to be administratively most feasible, and the flat tax is the winner hands down. At least 20 years ago, two economists, Hall and Rabushka, laid out the case for the flat tax in detail. The second edition of their book on the flat tax in the mid-1990s is called *The Flat Tax*. In the book they make it clear why the tax base of a national sales tax and the flat tax are the same.

What I am trying to point out, Mr. Speaker, is both the flat tax and the sales tax have the same tax base. They both accomplish the same goals. So now we are trying to decide which one is more possible to replace this complicated Tax Code that we have now. Let me give you a little intuition on why both of these taxes are essentially both the same.

The tax base of a flat tax is income, but people only do two things with income. They either spend it or they save it. Since there is no tax on savings, this means the flat tax is on consumption. But this is the same as a sales tax.

Let me try to be a little more technical. I started trying to work out an alternative to Michigan's sales tax as a flat tax when I was chairman of the senate finance committee back in Michigan. Under the national sales tax, business is taxed on its sales minus what it purchases from other firms minus what it pays on investment and capital. That is on the sales tax.

On the flat tax, individuals pay taxes only on their wage income and not on the income from savings, such as interest or dividends. Business actually pays the taxes on savings, interest and dividend, because they are not allowed to deduct it. Businesses pays taxes on its sales minus what it buys from other firms minus investment in capital minus wages.

Now, between the business income tax and the individual income tax, what is taxed then is sales minus what business buys from other firms minus what it pays on investment and capital. So the two tax bases are the same.

Now, when it comes to administration, the flat tax is much simpler. The individual and business both fill out a short form and it is clear what is going to be taxed.

Under the sales tax, lots of things will be difficult to determine. First, there is going to be political pressure, as there is in every State that has a sales tax, not to have that sales tax on such things as food and prescription drugs, not to tax medical services or dental costs. As was the case in Michigan and in most every other state that has a sales tax, we have done this. As this happens and you reduce what is going to be taxed on food, prescription drugs, health benefits, services, what that means is the tax rate for the sales tax is going to go up.

For example, to raise the revenue that is equivalent to our 17 percent flat tax is going to require a sales tax that is much higher. In initial calculations it could be as high as a 28 percent sales tax. If it is a 28 percent sales tax, this is certainly going to lead to all sorts of incentives to hide sales, which will be easier to do than to hide income, and this will lead to an even higher sales tax. You can call them free riders or whatever you want.

But I would suggest in the sales tax effort to get rid of the IRS, in its place what we are going to do is have a new Federal police force examining what is produced so we can determine how much production is being avoided on paying the sales tax. Where you tend to say that individuals consuming are paying the sales tax, what we have done in Michigan and most other states that charge a sales tax, to simplify it, we say well, you can add the tax if you want to, but who is responsible for the sales tax are the businesses that are selling the product.

Let me just briefly show the difference in what an individual taxpayer ends up with that earns money and decides to save the money.

First, under the current system, for example, let us say after you have your income, after you spend what you are going to spend, you are fortunate enough and diligent enough that you save \$10,000, and then you end up paying 28 percent tax on the \$7,200, now on \$7,200, so what you have left, out of what you have saved and minus your tax, what you have left is \$7,200. Let us say the interest rate, or your returns on investment are maybe around 6 percent; that means I think that that money would double in about 10 years. So after 10 years, that \$7,200 that you have left after taxes doubles to \$14,000. And then what do we do under the current system? We tax you on the interest rate you earned. So if you tax on the interest on the \$7,200, as the money doubles, you end up having \$12,384.

With the flat tax that encourages savings because we do not tax savings, after expenses, you end up with \$10,000, you pay the 17 percent, and that leaves you \$8,300. In 10 years, it doubles to \$16,600, but we do not have any tax on that increased earnings of the dividends or interest, so that leaves you with a net of \$16,600. So the point that I am trying to make is you are much better off and it encourages savings and investment, which is key to the kind of discoveries that we can have for businesses to be more competitive in a world market.

I think a problem with the sales tax is determining what is a final retail sale. In trying to change our sales tax in Michigan to take in some services, the overwhelming problem is what is the final retail sale that you charge a sales tax on? For example, say I am an accountant and I do your books, I am going to charge you a sales tax on it as the final user. But what if I am the same accountant, but I am doing the

books for a local retail store, and that retail store is going to take the increased cost that they pay for that bookkeeper and add it to the price of their product; the sales tax is going on the price of their product, so you do not charge sales tax when you are an accountant doing work for a firm or a retailer that can pass that tax on in a product that is going to be taxed on the sales tax. It is complicated. It is complicated, figuring out what you are going to tax sales tax on.

Because of the fact that the advocates of the fair tax and the sales tax suggest that we want to change the 16th Amendment to the Constitution, a political complication of talking this chamber into having a two-thirds vote that is going to change the Constitution, and then after that, you have to have three-quarters of the States agree to ratify what has been suggested as a constitutional change.

Pretend for a moment that you are back in that State legislature, and here is the Federal Government saying, look, we want to change the system to get rid of the income tax and have a sales tax. We would sort of like you as the State to collect that money for us, for the Federal Government because, look, you are going to have a sales tax anyway in your State because you cannot copy the Federal income tax any more because we are going to have a sales tax, but we would also like you to collect the sales tax for the Federal Government, State legislatures and governor. We also are suggesting that you have this sales tax that we are going to pass into law and that it be on services and drugs, that it be on medical supplies. It is going to be a tough getting three-quarters of those States to ratify the Constitution with that kind of threat that they are going to have to be the instigators of that sales tax in their State.

I think what is likely is that all of the problems of a sales tax, how it is going to be administered, what do you calculate as the final sale that is going to be taxed for the sales tax, and the complicated effort of convincing States that they have to be a part of this effort to now expand their sales tax and maybe even start collecting it for the Federal Government.

A third problem has to do with purchases, for example, over the Internet. You might make purchases from another country over the Internet, and that is more and more available. How are these going to be taxed? What is likely is that they will not be and, thus, U.S. retailers will be at a disadvantage compared to foreign retailers. I think these are just a few of the problems in implementing a national retail sales tax.

The fact that no State has successfully managed to put in place a true retail sales tax that captures all final goods and services should tell us that it will be very difficult to do at the national level also.

Okay, back again, reviewing. Implementation, the flat tax is just going to

be a bill passed by a majority and signed by the President. The sales tax, it is the bill, plus the constitutional amendment. The burden on States on the flat tax: none. On a sales tax, the States must collect the Federal taxes, often new ones on services; and for those States that do not have a sales tax, implementing that kind of a tax structure in those States.

The burden on the taxpayer. We have seen the simple form for a flat tax. On the sales tax, there is no form for individuals, but it is going to end up with much more business monitoring to know how much is being produced to determine what is being avoided in the sales tax, and the risk of tax evasion. The risk of tax evasion with a flat tax is the same as the current tax system. But with a sales tax, the high tax on goods increases the incentives for invasion. It increases the incentives to trade with your neighbor instead of paying a very high sales tax that I have estimated will go to 28 percent, maybe even higher.

In conclusion, let me just suggest that getting back to our predicament of over-spending, over-promising, the challenges that we face with medicare and Social Security, the challenges we face with paying our veterans' benefits, the challenges we face coming up with retirement benefits for Federal employees, means that we need to make the kind of changes in government that is going to help make sure that this country stays on the cutting edge of competition in the new challenging world market. And one of the tools that we can use to do this is getting rid of the IRS, getting rid of the complicated Tax Code that has preferences based on the strength of PACs and lobbyists that have influenced this and the other chamber and the White House over the last 50 years, and come up with a tax system that is going to be better for individuals, it is going to be better for the long-term competition that future generations are going to face.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 15, 2004, AT PAGE H7232

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 361. To designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. To provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

H.R. 5008. To provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1576. An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 15, 2004, AT PAGE H7234

H. Res. 776. A resolution of inquiry requesting the President and directing the Secretary of Health and Human Services provide certain documents to the House of Representatives relating to estimates and analyses of the cost of the Medicare prescription drug legislation; referred jointly to the Committees on Energy and Commerce, and Ways and Means, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BAIRD (at the request of Ms. PELOSI) for today and September 22 on account of attending the funeral of a close friend.

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. TAUZIN (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

Mr. WICKER (at the request of Mr. DELAY) for today on account of illness.

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. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and

extend their remarks and include extraneous material.)

Mr. MORAN of Kansas, for 5 minutes, September 22 and 23.

Mr. COLE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and September 22, 23, and 24.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. McCOTTER, for 5 minutes, September 22.

Mr. BURGESS, for 5 minutes, September 22.

Mr. PAUL, for 5 minutes, September 23 and 24.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 138. Concurrent resolution commending John W. Kluge for his dedication and commitment to the United States on the occasion of his 90th birthday; referred to the Committee on Government Reform.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 16, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 361. To designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. To provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

H.R. 5008. To provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, September 22, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9619. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bitertanol, Chlorpropham, Cloprop, Combustion Product Gas, Cyanazine, et al.; Tolerance Actions [OPP-2004-0088; FRL-7358-6] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9620. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert B. Flowers, United States Army, and his advancement to the grade of lieutenant

general on the retired list; to the Committee on Armed Services.

9621. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for Design Engineering at the Puget Sound Naval Shipyard, Detachment Boston (initiative number NC20010767); to the Committee on Armed Services.

9622. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for Retail Supply Southwest in San Diego, CA (initiative number NC20000611); to the Committee on Armed Services.

9623. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for Research, Development, Test, & Evaluation Support Services in Philadelphia, PA (initiative number NC20020775); to the Committee on Armed Services.

9624. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a report on the utilization of the Laboratory Revitalization Demonstration Program (LRDP), pursuant to Public Law 105-261, section 2871(d); to the Committee on Armed Services.

9625. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9626. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9627. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standards for Particular Matter [OAR-2003-0229; FRL-7794-1] (RIN: 2060-AM02) received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9628. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Iowa [R07-OAR-2004-IA-0002; FRL-7793-8] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9629. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Nevada, Clark County Department of Air Quality Management [NV117a-OPP; FRL-7795-7] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9630. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Kansas [R07-OAR-2004-KS-0001; FRL-7793-6] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9631. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans New Jersey Emission Statement Program [Region II Docket No. NJ 67-274 FRL-7788-6] received July 28, 2004, pursu-

ant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9632. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval of Revisions to the Title V Operating Permit Program in the State of New Mexico, Albuquerque/Bernalillo County, New Mexico, and the State of Arkansas [NM-47-1-7606a; FRL-7810-2] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9633. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units [VA139-5073a; FRL-7810-7] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9634. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Minnesota Municipal Solid Waste Landfill Program [FRL-7810-9] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9635. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes; Correction to the Preamble [FRL-7789-6] (RIN: 2060-AL73) received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9636. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 298-0459a; FRL-7784-3] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9637. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA287-0458; FRL-7781-9] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9638. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified and Santa Barbara County Air Pollution Control Districts [CA 289-0451a; FRL-7783-9] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9639. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Asbestos [OAR-2002-0082; FRL-7789-5] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9640. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Maryland: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7791-3] received July 20, 2004,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9641. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Maintenance Plan Revisions; Ohio [R05-OAR-2004-OH-0001; FRL-7784-2] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9642. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Maryland; Virginia; Technical Amendment [DC-2025, MD-3064, VA-5052; DC052-7007, MD143-3102, VA129-5065; FRL-7790-5] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9643. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Hazelwood SO₂ Nonattainment and the Monongahela River Valley Unclassified Areas to Attainment and Approval of the Maintenance Plan [PA209-4302; FRL-7781-3] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9644. A letter from the Acting Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9645. A communication from the President of the United States, transmitting notification to terminate the national emergency with respect to Libya declared in Executive Order 12543 of January 7, 1986, and revokes that Executive Order, Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and Executive Order 12538 of November 15, 1985, pursuant to 50 U.S.C. 1622(a); (H. Doc. No. 108-216); to the Committee on International Relations and ordered to be printed.

9646. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 09-04 which informs of intent to sign a Memorandum of Understanding (MOU) between the United States, Germany, and Italy for the Medium Extended Air Defense System (MEADS), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9647. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United States (Transmittal No. DDTC 052-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9648. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to Germany (Transmittal No. DDTC 072-04), pursuant to 22 U.S.C. 2776(c-d); to the Committee on International Relations.

9649. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense arti-

cles or defense services to Japan (Transmittal No. DDTC 065-04), pursuant to 22 U.S.C. 2776(c-d); to the Committee on International Relations.

9650. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on International Relations.

9651. A letter from the Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State for the April 16-June 17, 2004 period and the June 18-August 16, 2004 period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

9652. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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9654. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9655. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9656. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9657. A letter from the Secretary, Department of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 21, January 2003), pursuant to 43 U.S.C. 1596; to the Committee on Resources.

9658. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

9659. A letter from the Secretary, Department of the Treasury, transmitting Notification of determination that, by reason of the public debt limit, the Secretary is unable to comply with the requirements of section 8348(c) of title 5, United States Code, pursuant to 5 U.S.C. 8348(1)(2) and 5 U.S.C. 8438(h)(2); to the Committee on Ways and Means.

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. SENSENBRENNER: Committee on the Judiciary. H.R. 2028. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance; with amendments (Rept. 108-691). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 780. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108-692). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 781. Resolution providing for consideration of the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance (Rept. 108-693). 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. CASE:

H.R. 5106. A bill to amend the Federal Crop Insurance Act to expand the Agricultural Management Assistance Program to include the State of Hawaii; to the Committee on Agriculture.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. CHABOT, Mr. COBLE, Mr. DELAHUNT, Ms. PRYCE of Ohio, Mr. GREEN of Wisconsin, Mr. SCOTT of Virginia, Mr. JENKINS, Mr. SCHIFF, Mr. WEINER, Mr. HART, Mr. BACHUS, Ms. BALDWIN, Mr. KELLER, and Mr. NADLER):

H.R. 5107. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO:

H.R. 5108. A bill to reauthorize certain programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. CROWLEY (for himself, Mr. SERRANO, Mr. SHERMAN, Mr. HOFFFEL, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. SMITH of Washington, Mr. BERMAN, Mr. HOLT, Mrs. MALONEY, Mrs. LOWEY, Mr. STARK, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. GREEN of Texas, Mr. DELAHUNT, and Mr. SCHIFF):

H.R. 5109. A bill to establish the Airport Noise Curfew Commission; to the Committee on Transportation and Infrastructure.

By Ms. HERSETH:

H.R. 5110. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, a credit for individuals who

care for those with long-term care needs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. REYES, and Mr. ISSA):

H.R. 5111. A bill to enforce restrictions on employment in the United States of unauthorized aliens through the use of improved social security cards and an Employment Eligibility Database, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and the Judiciary, 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. ISRAEL:

H.R. 5112. A bill to provide for a certificate recognizing employees of defense companies for contributions to the national defense during the Cold War; to the Committee on Armed Services.

By Mr. KILDEE (for himself, Mr. VAN HOLLEN, and Mr. GEORGE MILLER of California):

H.R. 5113. A bill to prevent abuse of the special allowance subsidies under the Federal Family Education Loan Program; to the Committee on Education and the Workforce.

By Mr. KING of Iowa:

H.R. 5114. A bill to amend the Internal Revenue Code of 1986 to make improvements to assist young farmers and ranchers; to the Committee on Ways and Means.

By Mr. MICA (for himself and Mr. BILIRAKIS):

H.R. 5115. A bill to award posthumously a Congressional gold medal to Constantino Brumidi; to the Committee on Financial Services.

By Mr. PALLONE:

H.R. 5116. A bill to amend title II of the Social Security Act to waive the 24-month waiting period for Medicare coverage of individuals disabled with distant stage cancer; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. GOODLATTE, Mr. BECERRA, and Mr. FOLEY):

H.R. 5117. A bill to establish in the Office of the United States Trade Representative an Assistant United States Trade Representative for Intellectual Property Rights; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 5118. A bill to combat terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS:

H. Con. Res. 494. Concurrent resolution supporting the goals and purposes of National Farm Safety and Health Week and applauding the men and women who provide a stable supply of food and fiber for the United States and the world; to the Committee on Agriculture.

By Mr. HILL (for himself, Ms. CARSON of Indiana, and Mr. PENCE):

H. Res. 779. A resolution celebrating the life of Joseph Irwin Miller of Columbus, Indiana; to the Committee on Government Reform.

By Mr. BLUMENAUER (for himself, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. GREENWOOD, Mr. ALLEN, and Mr. UDALL of Colorado):

H. Res. 782. A resolution affirming the commitments made by the United States at

the World Summit on Sustainable Development in Johannesburg, South Africa, to improve worldwide access to safe drinking water and basic sanitation services; to the Committee on International Relations.

By Mr. HOUGHTON:

H. Res. 783. A resolution recognizing Jerry J. Jasinowski on the occasion of his retirement from the presidency of the National Association of Manufacturers; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 571: Mrs. MCCARTHY of New York and Mr. PENCE.

H.R. 603: Mr. FRANK of Massachusetts.

H.R. 623: Ms. BORDALLO.

H.R. 713: Mr. CARSON of Oklahoma and Mr. MCCRERY.

H.R. 756: Mr. SULLIVAN.

H.R. 785: Ms. BORDALLO.

H.R. 792: Mr. MANZULLO and Mr. SABO.

H.R. 870: Mr. LATHAM.

H.R. 883: Ms. BORDALLO.

H.R. 970: Ms. HARRIS and Mr. SCHROCK.

H.R. 980: Mr. OLVER.

H.R. 997: Mr. RYAN of Kansas.

H.R. 1057: Ms. DELAURO.

H.R. 1212: Mr. KLECZKA.

H.R. 1294: Mr. PASTOR, Mr. FATTAH, and Mrs. MCCARTHY of New York.

H.R. 1323: Mr. GORDON.

H.R. 1345: Mr. BISHOP of Georgia and Mr. DAVIS of Alabama.

H.R. 1428: Mr. BISHOP of Georgia.

H.R. 1657: Mr. LANTOS.

H.R. 1734: Mr. OLVER, Mr. KUCINICH, and Mr. ORTIZ.

H.R. 1859: Mr. CARSON of Oklahoma and Mr. RANGEL.

H.R. 1873: Mr. PORTER and Ms. MILLENDER-MCDONALD.

H.R. 1919: Mr. MCCOTTER.

H.R. 1939: Mr. OLVER.

H.R. 1958: Mr. RUSH, Mr. GUTIERREZ, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. LEWIS of Georgia, and Mr. PALLONE.

H.R. 2094: Mrs. MCCARTHY of New York.

H.R. 2101: Mr. HOEFFEL.

H.R. 2387: Mrs. WILSON of New Mexico, Ms. DELAURO, and Mr. MARKEY.

H.R. 2505: Mr. BRADLEY of New Hampshire.

H.R. 2680: Mr. THOMPSON of California, Mr. RYAN of Ohio, Mr. STENHOLM, Mr. CROWLEY, Mr. TOM DAVIS of Virginia, Mr. UDALL of New Mexico, Mr. GORDON, Mrs. DAVIS of California, Ms. BERKLEY, Mr. ROTHMAN, Mr. TURNER of Texas, Mr. ENGEL, and Mr. ENGLISH.

H.R. 2735: Ms. SOLIS.

H.R. 2787: Ms. DELAURO.

H.R. 2959: Mr. WYNN, Mr. EMANUEL, and Mr. PAYNE.

H.R. 3085: Ms. MCCARTHY of Missouri, Mr. SCHIFF, and Mr. EMANUEL.

H.R. 3142: Ms. LEE.

H.R. 3242: Mr. KENNEDY of Rhode Island and Ms. DELAURO.

H.R. 3543: Mr. DEMINT, Mr. PITTS, and Mr. BROWN of South Carolina.

H.R. 3634: Mr. MEEKS of New York, Mr. SERRANO, Mr. TOWNS, Mrs. MALONEY, and Mr. FRANK of Massachusetts.

H.R. 3729: Mr. KILDEE, Ms. KILPATRICK, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, Mr. REYES, Mr. MARKEY, Mrs. CHRISTENSEN, Mr. CLAY, and Mr. BELL.

H.R. 3859: Mr. BELL, Mr. LANGEVIN, Mrs. MCCARTHY of New York, Mr. UDALL of New Mexico, Ms. MAJETTE, Mrs. VELAZQUEZ, Mr. TOWNS, Mr. OLVER, Mr. GUTIERREZ, Mr. BER-

MAN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3880: Mrs. CAPPS.

H.R. 3921: Mr. BLUMENAUER.

H.R. 3951: Mr. SPRATT.

H.R. 4026: Mr. GERLACH.

H.R. 4032: Mr. WAXMAN.

H.R. 4057: Mr. KENNEDY of Minnesota.

H.R. 4076: Mr. KUCINICH.

H.R. 4169: Ms. BALDWIN.

H.R. 4214: Mrs. NORTHUP.

H.R. 4256: Mr. STRICKLAND.

H.R. 4264: Mr. CONYERS.

H.R. 4283: Mr. HYDE.

H.R. 4284: Mr. SIMPSON.

H.R. 4306: Mr. GORDON.

H.R. 4341: Mr. PALLONE.

H.R. 4343: Mr. MCKEON.

H.R. 4367: Mr. ROSS.

H.R. 4395: Mr. BAIRD and Mr. SANDLIN.

H.R. 4399: Mr. SERRANO and Mr. PALLONE.

H.R. 4420: Mr. WELDON of Florida, Mr. GOODLATTE, Mr. PETERSON of Minnesota, Mr. JENKINS, Mr. CANNON, Mr. DAVIS of Tennessee, Mr. RAHALL, Mr. MCCOTTER, and Mr. DOOLITTLE.

H.R. 4502: Mr. LINCOLN DIAZ-BALART of Florida and Mr. HYDE.

H.R. 4575: Mr. FILNER and Mr. MICHAUD.

H.R. 4595: Mr. FRANK of Massachusetts.

H.R. 4605: Mr. BLUMENAUER.

H.R. 4610: Mr. GREENWOOD.

H.R. 4616: Mr. McDERMOTT, Mr. RYAN of Ohio, Mr. GUTIERREZ, Mr. HOLDEN, Mr. FILNER, Mr. KUCINICH, and Mr. STARK.

H.R. 4656: Mr. GORDON.

H.R. 4674: Mr. GRJALVA.

H.R. 4676: Mr. SCOTT of Virginia and Ms. MAJETTE.

H.R. 4682: Ms. VELAZQUEZ, Mr. CLAY, Mr. BOEHLERT, and Mr. OWENS.

H.R. 4706: Mr. HINCHEY, Mr. FALEOMAVAEGA, Mr. NADLER, and Mr. WAXMAN.

H.R. 4712: Mr. GARRETT of New Jersey and Mr. NEUGEBAUER.

H.R. 4715: Mr. WILSON of South Carolina.

H.R. 4717: Mr. NEUGEBAUER.

H.R. 4740: Mr. CARDIN.

H.R. 4782: Mr. SULLIVAN and Mr. LUCAS of Oklahoma.

H.R. 4783: Mr. ROSS.

H.R. 4793: Ms. CARSON of Indiana, Mr. CONYERS, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. SCOTT of Georgia, Mr. GEORGE MILLER of California, Mr. OLVER, and Mr. BLUMENAUER.

H.R. 4838: Mr. BEAUPREZ and Mr. UDALL of Colorado.

H.R. 4849: Mr. CAMP.

H.R. 4900: Mr. CASE and Ms. ROS-LEHTINEN.

H.R. 4927: Mr. PRICE of North Carolina.

H.R. 4928: Mr. FALEOMAVAEGA.

H.R. 4936: Ms. PELOSI and Ms. DELAURO.

H.R. 4976: Mr. ALLEN.

H.R. 4979: Ms. MILLENDER-MCDONALD.

H.R. 4982: Mr. ANDREWS.

H.R. 5040: Mr. ANDREWS, Mr. MARKEY, Mr. FROST, and Mr. MORAN of Virginia.

H.R. 5046: Ms. NORTON.

H.R. 5061: Mr. HONDA, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. SMITH of New Jersey, Mr. ENGLISH, Ms. LEE, Mr. CAPUANO, Mr. MARKEY, Ms. CARSON of Indiana, Mr. RANGEL, Mr. PALLONE, and Mr. GORDON.

H.R. 5068: Mr. SMITH of Texas, Mr. TURNER of Texas, Ms. JACKSON-LEE of Texas, and Mr. KENNEDY of Rhode Island.

H.R. 5069: Mr. TURNER of Texas, Mr. SMITH of Texas, Mr. SANDLIN, Ms. JACKSON-LEE of Texas, and Mr. ETHERIDGE.

H.R. 5094: Mr. PUTNAM, Mr. FEENEY, Mr. BURR, and Mr. SERRANO.

H.J. Res. 22: Mr. BASS, Mrs. CUBIN, and Mr. SANDLIN.

H.J. Res. 102: Mr. BERMAN and Mr. BURTON of Indiana.

H. Con. Res. 369: Mr. FARR.

H. Con. Res. 375: Mr. CAMP and Mr. BISHOP of Georgia.

H. Con. Res. 416: Mr. BRADLEY of New Hampshire.

H. Con. Res. 425: Mrs. NORTHUP and Mr. WAXMAN.

H. Res. 556: Mr. SCHIFF and Mr. BLUMENAUER.

H. Res. 586: Mr. PAUL.

H. Res. 641: Mr. QUINN.

H. Res. 745: Ms. KILPATRICK and Mr. FILLNER.

H. Res. 746: Mr. GREEN of Texas, Mr. MORAN of Virginia, Mr. WU, and Ms. LEE.

H. Res. 755: Mr. KENNEDY of Rhode Island and Mr. WEXLER.

H. Res. 761: Mr. UDALL of Colorado, Ms. PRYCE of Ohio, Mr. SPRATT, and Ms. LORETTA SANCHEZ of California.

H. Res. 744: Mr. MCGOVERN, Mr. CARDIN, Mr. HINCHEY, Mr. VISCLOSKY, Mr. MEEKS of New York, Mr. GORDON, Mr. GREENWOOD, Ms. MCCARTHY of Missouri, Mr. CONYERS, Mr. MCDERMOTT, Mr. LAMPSON, and Ms. DELAURO.