



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, WEDNESDAY, NOVEMBER 24, 2004

No. 136

## House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. TOM DAVIS of Virginia).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
November 24, 2004.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

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

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Gracious Creator of all good gifts and Father of us all, as we Americans prepare now to be with family and friends around a table tomorrow to give You thanks for our many blessings, protect all who are traveling. Grant them safe passage, and may peace await all in every household.

Grant a special blessing of Your loving presence to all those who are away from home this Thanksgiving Day, especially the women and men who serve in our military forces and those first responders in time of emergency. May their families who feel their absence this holiday be comforted by knowing Your faithful protection and loving care.

America expresses gratitude to You, O Lord, for all those who serve this Nation in public service and in the cause of freedom and peace in the world.

Thanksgiving, praise and glory be Yours, O Lord, now and forever. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

Mr. KILDEE 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 with an amendment in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 528. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

H. Con. Res. 528. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has passed bills and a joint resolution of the following titles in which concurrence of the House is requested:

S. 423. An act to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 2488. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 2635. An act to establish an intergovernmental grant program to identify and develop homeland security information, equip-

ment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

S. 2657. An act to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2866. An act to amend the Farm Security and Rural Investment Act of 2002 to clarify the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

S. 3021. An act to provide for the protection of intellectual property rights and other purposes.

S. 3027. An act to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

S. 3028. An act to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

S.J. Res. 42. Joint Resolution to make a correction in the Conference Report to accompany H.R. 4818.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore 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, November 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

□ 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.



Printed on recycled paper.

H10889

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 20, 2004 at 6:00 p.m.

That the Senate passed without amendment H.R. 4302.

With best wishes, I am Sincerely,

JEFF TRANDAHL,  
Clerk of the House

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore 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, November 22, 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, the Clerk received the following message from the Secretary of the Senate on November 20, 2004 at 8:45 p.m.:

That the Senate passed without amendment H.J. Res. 114.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,  
Clerk of the House.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill and joint resolution on Saturday, November 20, 2004:

H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998;

H.J. Res. 114, making further continuing appropriations for the fiscal year 2005, and for other purposes.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY AND ON WEDNESDAY, DECEMBER 8, 2004

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on today and on Wednesday, December 8, 2004.

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

There was no objection.

#### GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend remarks and include extraneous material on H.J. Res. 115, and that I may include tabular material on the same.

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

There was no objection.

#### FURTHER CONTINUING APPRO- PRIATIONS, FISCAL YEAR 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 2005, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I think before we move forward on this, it is necessary to clarify a few things and ask a few questions.

We are here because a provision was included in the omnibus appropriation bill that allows the chairmen of the Committee on Appropriations or their agents access to IRS facilities and tax return information that may be housed within those facilities without apparently adequate protection for the privacy of taxpayers. Most Members did not know this language had been included. So far as I know, I have yet to meet a single Member who knew it. Certainly I did not know the language had been included.

This is a serious problem, and it raises the question, why did it happen. It seems to me there are three reasons for that.

First, there was obviously not enough time to review the bill. This bill spends over \$380 billion of taxpayer money. It is over 3,000 pages long. The IRS provision is six lines in the middle of it all. It was not filed until 1 a.m. on Saturday morning. Unless they have come down today, there is still no official GPO print of the document. It was not available in useful electronic form until Tuesday.

Despite the fact that this issue was briefly discussed on the House floor in a relatively obscure way during the colloquy between the gentleman from Florida (Chairman YOUNG) and the gentleman from California (Chairman THOMAS), it was only thanks to the review of the legislative language by Senator CONRAD's staff that we discovered the problem. That alone suggests Members should have had more time to review the bill.

Second, the pressure from the majority party leadership to complete action and adjourn was overriding. To meet the timetable of that leadership, staff worked all night for several days in a row in an effort to finalize the omnibus bill as quickly as possible; and as a result, corners were cut.

Third, this provision is not the only problem with the omnibus. There are important policy issues that were placed in this bill that were never voted on in either Chamber. Some of them are reasonable and some of them most certainly are not.

There are also a number of other important provisions that were dropped

at the insistence of the Republican leadership, even though they had been supported by majorities in both Houses. In neither case were Members of the House given sufficient time to become aware of them or to fully understand their significance.

I include the following examples for the RECORD.

Some examples of problematic provisions added include:

Limits on judicial review of timber sales in Alaska;

Removal of the wilderness designation for areas of Georgia;

Extension of grazing permits without legally required environmental reviews;

Allowing use of wilderness in ways that are banned under current law [other examples to follow].

Some examples of items that were dropped include:

Language related to contracting out;

The bipartisan Chabot/Andrews amendment would have prohibited road building in the Tongas National Forest in Alaska to support non-economically viable timber sales;

The provisions that would ease the economic embargo and travel restrictions on Cuba;

The Sanders cash-balance pension plan amendment that would have protected American workers who are covered under traditional pension plans from unfair conversions to cash-balance plans; and,

The MILC reauthorization.

Mr. Speaker, in addition to these examples, I think it is important to understand that there were still other problems with this legislation. The full policy impact of funding cuts, for instance, were obscured by the manner in which the across-the-board cut effectively hid the real funding levels for a number of key programs.

For all of those reasons, that is why I said during floor debate the following: "As the press finds out more and more about what the impact is on various programs, I think the Congress is going to wish that we spent considerably more time dealing with this in a rational manner."

Now, some of those problems could be avoided if the House adhered to rules that are meant to give Members time to review legislation before they vote on it. But the majority leadership has almost routinely set aside those safeguards. I agree with Senator CONRAD's statement yesterday, echoed by comments yesterday and today by the gentlewoman from California (Ms. PELOSI), that that must change.

But in the final analysis, an even more important reason for this fiasco is the way the House majority party leadership has systematically sought to minimize accountability for their decisions by hiding those decisions until after the election. From day one the majority party leadership ran this House in a way that guaranteed that appropriation decisions would be hidden from the public until after the election.

Congressional Quarterly wrote this 2 days ago: "Appropriation bills are the only measures that are traditionally open to free-wheeling amendments in both Chambers. But in the Senate this