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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 12, 2005.

I hereby appoint the Honorable MICHAEL C. BURGESS 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 4, 2005, 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 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

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

CENTRAL AMERICAN FREE TRADE AGREEMENT

Mr. BROWN of Ohio. Mr. Speaker, last year the House Majority Leader the gentleman from Texas (Mr. DELAY), the most influential Republican in the Congress, promised that this Congress would vote during last year on the Central American Free Trade Agreement, a trade agreement that includes six countries in Latin America and the United States. December 31 rolled around, there was no vote.

Majority Leader DELAY then promised a vote by Memorial Day on CAFTA. Memorial Day came and went.

Majority Leader DELAY then promised a vote on CAFTA prior to July 4. July 4 has since come and gone. Now, Leader DELAY has said there will be a vote on the Central American Free Trade Agreement some time in July.

Mr. Speaker, the reason that there has not been a vote on the Central American Free Trade Agreement is because of the overwhelming opposition to that trade agreement, opposition from Republicans on that side of the aisle, Democrats on this side of the aisle, opposition from small manufacturers, machine shops, tool and die makers, small manufacturing companies, opposition from unions and all kind of worker organizations, opposition from environmentalists, opposition from religious leaders, opposition from in the United States to the Central American Free Trade Agreement, widespread opposition among leaders and religious leaders, labor leaders, environmentalists advocates for the poor, small business people, small farmers and ranchers throughout the six Latin American countries. The reason they oppose the Central American Free Trade Agreement is it simply will not work for the great majority of people whether it is in Nicaragua or the United States, whether it is in Guatemala or the Dominican Republic.

All of us understand that this CAFTA does not make sense. We should renegotiate the Central American Free Trade Agreement, get rid of this one, renegotiate one that works for everyone.

The reason CAFTA does not work is that it was crafted by a select few, negotiated by a select few to benefit a select few. The drug companies were at the negotiating table. They, of course, will benefit from the Central American Free Trade Agreement, but small manufacturers will not.

The insurance companies and the financial institutions and the banks were at the negotiating table helping to write the Central American Free Trade Agreement. The representatives of small farmers and small ranchers in small businesses were not at the table.

Oil companies and other big energy companies were at the table negotiating the Central American Free Trade Agreement. But consumers and people who will be hurt, the poor and working families in all seven CAFTA countries, were not at the table. It, as I said, was negotiated by a select few, for a select few.

Now, Mr. Speaker, the reason we know that our trade policy is not working is exemplified very well in this chart. 1992, the year I first ran for Congress, was elected, our trade deficit in this country was $38 billion. In 2004 that trade deficit was $618 billion, from $38 billion to $618 billion in the space of 12 years.

Mr. Speaker, those numbers, those are just trade deficit numbers. But what they represent is loss of manufacturing jobs in large part. The states in red are states that have lost 20 percent of their manufacturing jobs. My State of Ohio, at 216,000 in just 5 years. Michigan over 200,000, Illinois over 200,000, Pennsylvania over 200,000. The Speaker, the man in the Speaker's chair, his State of Texas, 200,000. The gentleman from Oregon (Mr. BLUMENAUER's) State has lost 30,000 manufacturing jobs. The gentleman from New Jersey, (Mr. PALLONE's) State of New Jersey has lost 105,000 manufacturing jobs in the last 5 years.

Mr. Speaker, this trade policy is not working. These trade agreements are not working. This trade agreement is not about lifting up workers in the developing world. It is about U.S. companies moving plants to Honduras, outsourcing jobs to El Salvador and exploiting cheap labor in Guatemala, not to help those workers, because those

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workers living standards under past trade agreements simply have not risen.

We know, Mr. Speaker, that we need a different CAFTA, and we have a different CAFTA when the world's poorest people can buy American goods, not just make them, we will know our trade policies are finally working. We should defeat this CAFTA and renegotiate a better Central American Free Trade Agreement.

CHANCE TO KEEP FAITH WITH AMERICAN TAXPAYERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this week, Members of the House of Representatives will have a chance to keep faith with the American taxpayers and the interests of our each and every district. The gentleman from Arizona (Mr. FLAKE) and I will offer an amendment to assure that the most expensive project in the history of the Corps of Engineers, the Upper Mississippi River Navigation expansion, is in fact justified.

This $1.8 billion project will take up 10 to 15 percent of the entire Corps construction budget for years, perhaps decades to come, impacting projects in every congressional district. That is because the Corps' current backlog of construction is about $58 billion and the construction budget is less than $2 billion a year. We need to make sure that we are using our limited funding for worthwhile projects.

Now, while I have deep reservations about this project, I respect the hard work of our chairman, the gentleman from Tennessee (Mr. DUNCAN), of the ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and particularly of the gentleman from Illinois (Mr. COSTELLO), who, for years has worked hard in the committee and behind the scenes to make this a better project.

Out of respect for their hard work, the gentleman from Arizona (Mr. FLAKE) and I have come up with a compromise, not to eliminate the project, but simply to make sure that we are preserving the integrity of the Corps' project and the fiscal responsibility of Congress.

The amendment we will offer will authorize the project to proceed if the minimum economic justification that has been offered for the project is met. The planning is such that this project is going to be in a planning stage for the next 5 years. So our amendment will not in any way interfere with the planning process itself. It will simply require that over the course of the next 3 years that the projections for barge traffic at the minimum level are met.

Now, this is the key justification because barge traffic is cited in scenarios put forward by the Corps to show the need for this massive project because they claim that barge traffic on the Mississippi River system is going up. But according to the Corps' own data, barge traffic has declined 23 percent from 1992 to 2003. Last year it dropped by 19 percent.

While it seems the Corps' traffic scenarios are wildly overoptimistic, and that barge traffic is likely to continue its decline, our amendment will allow the Corps to go forward with its planning project if, over the next 3 years, they meet the lowest scenario that makes this project economically justified.

Why is this special attention so important? Well, I have already pointed out it is the largest project in the history of the Corps and is going to impact projects all across the country that are worthy and much more important. But we ought to consider the troubled history of this project, for this project is, for many people, the project that launched the Corps Reform movement. In 2000, the Corps economist, Donald Sweeney, claimed that the Corps officials ordered him to cook the books in order to economically justify this project. After a whistle blower investigation, the Army Inspector General agreed, and two generals and a colonel lost their jobs.

This project epitomizes the need for reform and modernization of the Corps of Engineers. It is an example of how the Corps' planning system has a bias towards large structural projects. The National Association of Science has concluded that the Corps has ignored nonstructural alternatives such as congestion fees, scheduling and switch boats, that will enable the system to work better. And we do not yet have a good system of independent review, which, if it had been required of this project, we would not be arguing about it today.

Several National Academy of Science reports have examined the project. In 2001, the panel concluded the Corps had relied on over optimistic projections. In December of 2003 a second panel renewed their objections, concluding it was not possible to evaluate the benefits of lock expansion until an efficient system for managing the waterway was implemented. Last year an additional report concluded that despite the Corps' efforts, ''the study contains flaws serious enough to limit its credibility and value in the policymaking program.''

While I believe we have gone a long way in modernizing many of the Corps activities, I salute my colleague, the gentleman from Tennessee (Mr. DUNCAN) and the committee for the work that WRDA has done. It is a step in the right direction. I urge my colleagues to look at this amendment, and I urge its approval.

KARL ROVE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, it is time President Bush's Deputy White House Chief of Staff Karl Rove level with the American people and explain exactly what his role was in the leak of a covert CIA agent.

Mr. Speaker, this is serious business. But from the way the White House has been handling it, you would think it is no big deal. Valerie Plame was a covert CIA agent stationed in many hot spots around the world. When someone in the White House decided to leak her name to reporters they were jeopardizing any undercover operations that Plame had worked with in the past.

You would think that President Bush would take this issue very seriously, since it was his father who said in a presidential address at the CIA headquarters back in 1999, and I am going to quote that, ''that I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view the most insidious of traitors.''

Now those are some tough words from the first President Bush who knew the CIA well from his days as director of that agency. But when Valerie Plame's name was first leaked, this president, the current President Bush, also had some tough comments for whoever was responsible. In September 2003 he said in response to a question regarding the leak of Plame's name, and again I am quoting, ''if there is a leak out of my administration, I want to know who it is, and if the person has violated the law, the person will be taken care of.''

Well now, Mr. Speaker, it appears that we know who one of those people is. And now the question is, will President Bush hold Karl Rove accountable for his actions?

Karl Rove has also repeatedly denied any involvement. When he was first asked if he had any knowledge or involvement in the identification of the CIA agent, Rove simply said no. Then earlier this month, when interviewed by CNN, Rove amended that statement slightly and said, and again I am quoting, ''I will repeat what I said to ABC News when this whole thing broke some number of months ago. I do not know her name and I did not leak her name.''

Well, we now know that he may not have necessarily given the reporter Valerie Plame's name. But he certainly told the reporter that Joseph Wilson's wife was a covert CIA agent.

Now how difficult would it be for a reporter to find out the name of Wilson's wife? Not that difficult, obviously.

Mr. Speaker, it is troubling that neither Karl Rove nor the Bush administration have leveled with the American people about Rove's real involvement. Shortly after the leak became news, White House Press Secretary Scott

McClellan went before White House reporters and told the world he talked with Karl Rove, Elliot Abrams and Lewis Libby, and that each of three had assured him that they were not involved.

And so now the question is, was Karl Rove withholding information from his colleagues at the White House about his involvement in the Valerie Plame scandal? Or did the White House know, and did they send out erroneous and false statements to the media?

It would be nice if the White House would answer these questions, but now the White House refuses to comment on any issue regarding the ongoing investigation. Yesterday reporters tried to ask Scott McClellan whether or not he would stand by the statement he made back in 2003 in which he stated that Karl Rove had told him he was not involved. And McClellan said he could no longer comment on the investigation. How convenient, Mr. Speaker, that McClellan was able to vouch for Rove back in 2003 but is silent today.

So today we are left are two possibilities really. 1, the White House has been bending the truth on this very serious issue since the beginning, or 2, Karl Rove has misrepresented his involvement to the White House. Either way, Karl Rove has a lot of explaining to do. And I believe, Mr. Speaker, that President Bush should stand behind his past statement and ask Karl Rove to either defend his actions or resign.

DRAWDOWN OF FORCES IN IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Massachusetts (Mr. MEEHAN) is recognized during morning hour debates for 5 minutes.

Mr. MEEHAN. Mr. Speaker, this weekend many of us learned that the Bush Administration may have a plan for a phased drawdown of coalition forces in Iraq in the next 12 to 18 months.

Unfortunately, we did not learn about these plans from the Administration's legally mandated yet unfulfilled reporting requirements to Congress. We learned about it from news reports of a leaked memo circulating in the British government.

The memo outlines the Administration's plan to cut the size of our force in Iraq from 140,000 down to 66,000 by the middle of next year, and describes a ''strong U.S. military desire'' to hand over control to the Iraqi security forces in most of Iraq.

In January I released a white paper in which I proposed a timetable for a phased drawdown of the majority of American troops by the end of 2006. If the information in the British memo is true, then the Administration may be planning similar plans, despite its public claims to the contrary.

Ironically, the British memo, reportedly written at least a month ago, broke in the American press at exactly the same moment that the Administration missed a very important deadline to share precisely this sort of information with this Congress.

There is something wrong when we are learning about the Administration's plans for our troops, not from the President, not from the Pentagon, but from leaked foreign memos. Yesterday the Pentagon should have released to Congress an essential report on the benchmarks and guidelines for measuring progress in Iraq.

The report for ''Measuring Stability and Security in Iraq'' was a provision of the Supplemental Defense Appropriations Bill passed by this Congress and signed into law by President Bush on May 11, 2005. This law required the Administration to outline a comprehensive approach to Iraq by July 11, yesterday, with follow-up reports every 90 days thereafter.

This report presents an invaluable opportunity for the administration to explain to Congress and to the American people their plans and intentions in Iraq. Providing Congress with a more comprehensive set of performance indicators will undoubtedly lead to a more informed debate over U.S. policy in Iraq.

The congressionally mandated report calls on the Administration to outline key measures of stability and security in Iraq. This includes measurements of political stability, the training of Iraqi forces. Specifically, the report mandates that the Administration provide information on the operational readiness status of the Iraqi military forces, including the type, number, size and organizational structure of Iraqi battalions, as well as their ability to conduct counterinsurgency operations.

The report requirement also calls for estimates of the strength of the Iraqi insurgency and details on the training of the Iraqi police force.

I urge the Administration to take this responsibility seriously and to take this legal obligation seriously by providing this information to Congress as quickly and as comprehensively as possible.

The information contained in this report is a critical step towards bringing our troops home. To that end, I am a cosponsor of House Resolution 55, the Homeward Bound Act. This bipartisan legislation requires the President to announce a plan by December 31 of this year for the eventual return of all elements of the Armed Forces. This plan would be a natural extension of the report due to this body yesterday.

The bill also requires the President to begin a drawdown of our troops on or before October 1, 2006. Beyond that date, it provides the President with the flexibility for an orderly drawdown.

Finally, the legislation requires the President to accelerate the training of Iraqi forces and to ensure that they are adequate to take the leading role in fighting the insurgency.

Our troops have done everything we have asked of them in Iraq. They have acted heroically. They have done their job. Now is the time for Washington to do its job.

RECESS

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

Accordingly (at 9 o'clock and 22 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

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

PRAYER

Rabbi David Greene, Chabad-Lubavitch, Rochester, Minnesota, offered the following prayer:

Almighty God, Master of the Universe, according to the Jewish tradition, You instructed mankind to obey seven universal laws:

not to worship false Gods;

never to blaspheme Your Holy Name;

not to murder;

not to commit adultery, incest, or any sexual misdeeds;

not to steal, lie, or cheat;

not to be cruel to any living creature;

and that every society govern by just laws based on the recognition of You, O God, as a sovereign ruler of all men and all nations.

Today the Members of this House convene to fulfill one of these commandments, to govern by just laws. May it be Your will that those assembled here enact laws to govern this great country, be mindful of Your presence and conduct themselves in all their matters with justice, kindness, and peace.

Grant them success in making this country truly fit for Your presence. Bless them with good health, wisdom, compassion, good cheer, and fellowship. 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 Minnesota (Mr. GUTKNECHT) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTKNECHT 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 agreed to the following resolution:

S. RES. 194

In the Senate of the United States, July 11, 2005.

Whereas Gaylord A. Nelson served in the United States Army from 1942–1946;

Whereas Gaylord A. Nelson served as Governor of the State of Wisconsin from 1959–1963;

Whereas Gaylord A. Nelson served the people of Wisconsin with distinction for 18 years in the United States Senate;

Whereas Gaylord A. Nelson served the Senate as Chairman of the Select Committee on Small Business from the Ninety-Third through the Ninety-Sixth Congresses and as Chairman of the Special Committee on Official Conduct in the Ninety-Fifth Congress;

Whereas Gaylord A. Nelson received the Presidential Medal of Freedom in 1995;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Gaylord A. Nelson, formerly a Senator from the State of Wisconsin.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Gaylord A. Nelson.

The message also announced that the Secretary of the Senate be directed to request the House to return to the Senate the bill (H.R. 2985) ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.'', to make technical corrections in the engrossment of the Senate amendment.

HONORING RABBI DAVID GREENE

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

Mr. GUTKNECHT. Mr. Speaker, I rise today in honor of our guest chaplain and my friend, Rabbi David Greene of Rochester, Minnesota. I often tell students when they come to visit the Capitol that the first official act of the United States Congress was to appoint a chaplain. The second thing that they did was they prayed, and it was not a perfunctory prayer. They prayed for 1½ hours. We have long understood the importance of faith in our society.

Rabbi Greene was born and raised in Minneapolis, Minnesota. He attended the first Orthodox Jewish parochial school in Minnesota, received his ordination from the Rabbinical College of Canada in 1984, and completed postgraduate Judaic studies at Lubavitch Yeshiva in Brooklyn, New York.

Since 1988 Rabbi Greene has served as the Lubavitcher Rebbe's Emissary to Rochester, more specifically, to the Mayo Clinic. In his service, he meets the spiritual needs of Jewish people who reside in or visit Rochester, Minnesota.

I thank Rabbi Greene for his service as our guest chaplain to the United States House of Representatives today.

ELLINGTON FIELD AIR FORCE BASE

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

Mr. POE. Mr. Speaker, I question whether the Defense Department in the base closing process has neglected the obvious: homeland security.

No place does this appear more evident than Ellington Field in Houston, Texas. It is said that Ellington Air Force base with its F–16 fighters and National Guard units are of little military value. Without agreeing to that, I point out that over 8 million people live in the area. There are three major ports: the port of Houston, second largest in the United States, sixth in the world; Port Arthur; Port of Beaumont, where one third of the military cargo going to Iraq comes out of this one small port. The massive petrochemical and refineries in the region, Houston still is the energy capital of the world. Over one-half of the gasoline refined in the United States comes from this area. Of course, we have the nuclear power plant in southeast Texas, the largest medical center in the world, and then there is NASA.

Mr. Speaker, I served in the United States Air Force and was stationed at Ellington Field, and the people of southeast Texas want Ellington. They want to keep those F–16s flying. When 9/11 hit, it was the F–16s at Ellington that flew over the blue skies of Texas on watch. It would defy common sense to take those fighters from this needed area of securing the homeland.

KARL ROVE

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

Mr. WAXMAN. Mr. Speaker, I rise to talk about the disgraceful revelation that Karl Rove and people in the White House may have been involved in outing a CIA agent. How serious is this matter? I refer people to the quote of President George H.W. Bush. He said: ''I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view, the most insidious of traitors.'' What did this President Bush say? He said he would fire anybody who might have been involved in doing such a thing.

Now what we are hearing is that the evidence is mounting that Karl Rove and others in the White House may have been involved in using classified information as part of a conspiracy for political purposes, jeopardizing our national security. It is imperative that we know the facts. And how do we get to the facts? Not just wait for a special prosecutor, but Congress has the responsibility to hold hearings. Let us bring Rove here, put him under oath, and let him tell us what he has to say.

BRITS RESPOND WITH RESOLVE, DETERMINATION

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

Mr. PITTS. Mr. Speaker, July 7 in Britain is not the same as March 11 in Spain. Last week's terrorist attacks were met not with blame, self-loathing, and retreat. They were met with proper expressions of mourning, steely resolve, and clarion calls for justice. I would expect nothing else from the country that withstood the onslaught of the Nazis.

And while all of Great Britain mourns, our friends across the Atlantic should be commended for the face of resolve they have shown in recent days. This resolve was best expressed by London's mayor when he told the terrorists: ''Whatever you do, however many you kill, you will fail.''

If terrorists thought that the murder of innocent people would further their aims, they picked the wrong country to target. Giving terrorists safe haven in the name of tolerance only encourages the violent intolerance expressed most vividly in last week's attacks. These attacks again demonstrate the reason everyone needs to root out these barbarians.

A SOLDIER'S REFLECTIONS

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

Mr. BUTTERFIELD. Mr. Speaker, on June 1, 2005, U.S. Army Corporal Phillip Charles Edmundson of my home community of Wilson, North Carolina, became the first war casualty since Vietnam. I rise today to remember his bravery by reading a poem he wrote just prior to his death, ''A Soldier's Reflections'':

''I was that which others did not want to be.
I went where others feared to go
and did what others failed to do.
I asked nothing from those who gave nothing
and reluctantly accepted the thought of eternal loneliness . . .
Should I fail, I have seen the face of terror;
felt the stinging cold of fear;
and enjoyed the sweet taste of a moment's love.
I have cried, pained, and hoped . . .
But most of all, I have lived times others would say
were best forgotten.
At least some day
I will be able to say that I was proud of what I was . . . 'a soldier.' ''

STRONG RESOLVE IN THE FACE OF TERRORISM

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

Mr. WILSON of South Carolina. Mr. Speaker, I conclude every floor speech with the reminder, ''God bless our troops and we will never forget September 11,'' because I strongly believe that we must remember the lessons of that tragic day to protect American families.

After witnessing a handful of terrorists murder thousands of innocent Americans, our Nation immediately took action to defeat terrorism at home and abroad. Yesterday, I observed hundreds of terrorists now detained at Guantanamo Bay, Cuba and witnessed the tremendous progress our Nation is making in defending our freedom and defeating terrorism.

Last week's brutal attacks on the streets of London demonstrated that we must remain on the offensive against terrorists who seek to murder innocent civilians and destroy our way of life. Terrorists who believe they can break our will through cowardly attacks are mistaken. As President Bush said, ''America will not retreat in the face of terrorists and murderers. And neither will the free world.''

In conclusion, God bless our troops; we will never forget September 11 and London's July 7.

ANNIVERSARY OF THE MEDAL OF HONOR

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

Mr. SALAZAR. Mr. Speaker, I rise today to pay homage to the Medal of Honor recipients and the values that the Medal of Honor symbolizes. On this date in 1862, President Abraham Lincoln approved the legislation that created the Medal of Honor, our Nation's highest military medal. The Medal of Honor is awarded for acts of valor and gallantry above and beyond the call of duty. In its 140-plus-year history, only 3,441 individuals have been awarded this distinguished medal; 121 of those individuals are still alive today.

Mr. Speaker, I wish to pay tribute to these brave individuals and to those men and women currently serving our Nation overseas. The Nation's highest award is facing a serious challenge to its meaning and symbol. I am outraged by the impostors who claim they have received this and other honors the military awards for deeds and actions of soldiers. These criminals not only dishonor themselves, but they dishonor the sacrifice that true recipients have made.

That is why, Mr. Speaker, I plan to introduce the Stolen Valor Act of 2005 next week. This piece of legislation will make it easier for Federal law enforcement officials to prosecute phonies and impostors and restore the true meaning of these illustrious awards.

I hope my colleagues can join me in this effort to reclaim the meaning of honor and bravery and sacrifice in these United States.

RETURN TO FLIGHT

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

Mr. WELDON of Florida. Mr. Speaker, today I wish all the best for NASA and the crew of the Space Shuttle *Discovery* and the men and women of Kennedy Space Center on attempting to launch tomorrow. Those of us who support the program understand how critically important it is for the United States to have a continuing human presence in space.

After the loss of the Space Shuttle *Columbia* in February of 2003, we have not been able to launch our astronauts into space for almost 2½ years. With a successful launch tomorrow, we will once again show the world that our program and the dedicated people behind it are second to none and that our space shuttle fleet is unrivaled when it comes to technology and mission capability. This launch will be an important first step, a first step in the new vision for space exploration articulated by President Bush in January of 2004, a vision that is not only taking us back to low Earth orbit and the space station but that will lead us back to the Moon and one day on to Mars.

Again, I know I speak for all Americans when we wish the crew of *Discovery* God speed and a safe mission.

COLLAPSE OF A COVER-UP

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

Mr. INSLEE. Mr. Speaker, in the last 48 hours we have witnessed the sad collapse of a cover-up. On September 29, 2003, Press Secretary Scott McClellan said that he had spoken with the deputy chief of staff of the White House and it was simply not true that he had anything to do with the disclosure of the identity of a CIA agent. He characterized it as ''totally ridiculous.'' And again on October 10, 2003, he said the White House had nothing to do with this terrible disclosure.

The President was then asked on June 10, 2004, whether he would stand by the promise to the American people to fire someone responsible for this disclosure, and he answered with a simple ''yes.''

The American people do not want sensitivity training after this sad disclosure of a CIA agent. They need full accountability. The jig is up. The deputy chief of staff needs to come in front of Congress and answer questions about this. And this is not just a matter of a simple violation of Federal law. It is a sad violation of democracy to try to punish a truth-teller, Joe Wilson, who blew the whistle on the ''yellow cake'' false statement made by the President. We know that that is wrong because Mr. McClellan said this is not the way the White House operates. We beg to differ.

URGING SUPPORT FOR THE 527 FAIRNESS ACT

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

Mr. PENCE. Mr. Speaker, all of us remember the summer of 527s. Groups organized on the left and right under section 527 of the Internal Revenue Code spent nearly $400 million in the midst of the Presidential campaigns while the Nation's two major political parties, its most respected labor unions, associations, businesses, and constitutional groups seemed to stand on the sideline in mute amazement.

In response to that summer of 527s, some here in Washington, D.C. want to exert even more regulation and control, and that is certainly their right to pursue. But the gentleman from Maryland (Mr. WYNN) and I have a different approach. We believe that the only proper response to inequities in the political economy of a free society is more freedom, not less freedom.

□ 1015

The Pence-Wynn bill is our effort to restore freedom and fairness to political parties and outside organizations, to give them the opportunity to compete more effectively with not only 527 organizations but their progeny that may arise if the Congress decides even yet to regulate them.

Thomas Jefferson said, ''I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it.''

Mr. Speaker, I urge my colleagues to consider the Pence-Wynn Freedom resolution.

REPUBLICAN PLAN TO MOVE SOCIAL SECURITY INSOLVENCY CLOSER

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

Ms. SOLIS. Mr. Speaker, congressional Republicans have shown their hand once again. It is now clear that Republicans have no desire to strengthen Social Security for future generations. Instead, their only intentions are to privatize the guaranteed retirement program.

The Republicans' risky privatization scheme would create private accounts financed by diverting money out of Social Security. It does absolutely nothing to extend solvency of Social Security. In fact, the Republican proposal would actually move Social Security

insolvency up 2 years. The Republican plan actually harms Social Security by taking away money from the trust fund. Every so-called ''surplus'' dollar put into the trust fund is already earmarked to pay future benefits. There is simply no way to divert those dollars to private accounts.

If Republicans really want to strengthen Social Security, do we not think they would come up with a proposal that would really actually extend solvency?

The American public demands reform, but not in this manner. Privatization is not the way to go. In my own district, 60,000 people are on Social Security. They look forward to that continued support.

GROWING REAL OWNERSHIP FOR WORKERS ACCOUNTS ACT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, when my constituents find out that Congress has been spending Social Security money on programs other than Social Security, they are mad. That is why I am working to put an end to this immoral practice.

In the past, Congress has not had the discipline to keep its hand out of the Social Security cookie jar.

Our proposal says that future Congresses cannot get their hands on the money in the first place.

My commonsense solution is simple: make sure that Congress spends Social Security taxes on Social Security.

When workers can save part of their Social Security money in a personal retirement account with their name on it, Congress will have to cut spending from other bloated programs.

Our bill, the Growing Real Ownership for Workers Accounts Act, grows accounts and is an achievable first step toward sending the Social Security surplus back where it belongs, in the pockets of hardworking Americans.

I urge my colleagues to cosponsor this bill today.

KARL ROVE DIRECTLY INVOLVED IN OUTING OF COVERT CIA AGENT

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

Ms. SLAUGHTER. Mr. Speaker, we now know that Karl Rove is one of the White House officials directly involved in the outing of a covert CIA agent.

Rove and his attorneys can parse the words all they want, but it is now clear that while Rove may not have given a reporter Plame's name, he clearly identified her by telling the reporter that Joseph Wilson's wife was a CIA agent.

Does Rove expect us to believe that any reporter worth a byline could not easily find out the actual name of Wilson's wife? And, as disturbing as this is, it is even more disturbing that President Bush continues to support Rove.

In September 2003, President Bush told reporters, ''If there is a leak out of my administration, I want to know who it is.'' Well, the President now knows at least one of the persons in his administration is responsible for this leak. The question is, will he keep his word and fire Mr. Rove?

President Bush should not forget the comments of his own father who in a speech before the CIA in 1999 said, ''I have nothing but contempt and anger for those who betray the trust by exposing the names of our sources. They are, in my view, the most insidious of traitors.'' And right on, first President Bush.

If this President agrees with his father, he will fire Karl Rove and clear the way for his prosecution.

EXPLOSION OF TRIBAL CASINOS

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

Mr. WOLF. Mr. Speaker, I am concerned about the rapid spread of gambling in the United States, now largely through the dramatic expansion of tribal casinos, which are devastating America's communities and families.

Gambling ruins families. It ruins communities. It ruins businesses. Gamblers often neglect their families and lose their jobs, careers and marriages to the habit. Gambling preys on the weak and gambling exploits the poor. Study after study shows that when a casino opens in a community, crime and suicide and bankruptcies rise.

As if our Nation is not saturated enough with gambling operations, now comes news of plans to open a casino two miles from the historic Gettysburg battlefield. Yes, Gettysburg. Thousands of Americans from the north and the south died at Gettysburg. It is hallowed ground. Its place in our history is sacred.

Is there no place in America immune from the lure of gambling?

I recently wrote President Bush urging him to issue an Executive Order to halt the explosion of gambling with a 2-year moratorium on new tribal casinos. Why will the Bush administration not act?

TIME FOR ROVE TO COME CLEAN WITH PUBLIC

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

Ms. WATSON. Mr. Speaker, when Karl Rove's attorney finally admitted to the Washington Post yesterday that Rove told a reporter Joseph Wilson's wife was a CIA agent, he was indeed identifying her. It does not take too much investigative reporting beyond that to actually come up with a name.

Now, Rove's attorney is trying to explain away Rove's actions by stating that he was merely ''discouraging Time from perpetuating some statements that had been made publicly and weren't true.'' Convenient explanation, but are we supposed to believe this from an attorney who previously stated that Rove did not reveal any confidential information?

Clearly, Rove did reveal confidential information when he told Time reporter Matt Cooper that Joseph Wilson's wife was a CIA agent.

Karl Rove himself should come forward and level with the American people about his involvement in the Valerie Plame leak. Failing this, President Bush should ask for his resignation.

IMPROVING ECONOMY

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

Mr. PRICE of Georgia. Mr. Speaker, 146,000 jobs were created in the month of June with the unemployment rate dropping to 5 percent, the lowest unemployment rate since September of 2001. Steady job growth has taken place each month over the last 25 months, and more Americans are working than ever before.

Economic indicators show strong and sustained growth, with real gross domestic product and real income revised up for the first quarter and inflation down. Profits as a share of GDP are up to their highest levels since 1967. Durable goods orders are on the rise, with new orders increasing 5.5 percent for May, the largest increase in 14 months. U.S. manufacturing continues to expand. For the 25th consecutive month, manufacturing expanded, again, in June. Consumer confidence is up, rising nearly 3 points in June to its highest level in 3 years.

Mr. Speaker, the improving economy is not empty rhetoric. What is crystal clear is that the policies of this Congress and this administration are progrowth, leading the charge, and they are succeeding.

WATER RESOURCES DEVELOPMENT ACT

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

Mr. BLUMENAUER. Mr. Speaker, the single most important vote of the week and one of the most important of the year is buried in the massive Water Resources Development Act coming before Congress this week: the Upper Mississippi Lock project. This is the ''Big Dig'' of water projects. Actually, it is like five or six big digs, since 10 percent of all water resources for years to come will be spent on this single project.

I urge my colleagues to look closely at the amendment that I will be offering with my colleague, the gentleman

from Arizona (Mr. FLAKE), which will require that before this project moves from planning to construction in 5 years, that the minimum justification for the demand for barge traffic, the rationale for the project, is justified. Taxpayers deserve no less for the largest water resources project in America's history.

REVISING THE NATIONAL FLOOD MAPS

(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, my district is the fifth congressional district of Florida, and the area is commonly referred to as the ''Nature Coast.'' Residents of this area, most of them are not owners of beachfront property; they live on what previously were pristine, swampy wetlands that were filled in. We certainly have a beautiful view and, unfortunately, while it is the Nature Coast, it also has historically been the area where many hurricanes have hit.

While this last hurricane, Dennis, did not directly hit our area, we had residual effects of the hurricane. We had storm surges, and a lot of areas were under water. Suddenly, residents thought they owned waterfront property, because right out front of their homes, waterfront existed.

I am very, very glad to see that we are looking at revising the national flood maps so people who previously were denied flood insurance now, once we revise those flood maps, they will be able also to be able to purchase flood insurance.

GAMING INDUSTRY FUELS ECONOMY

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

Ms. BERKLEY. Mr. Speaker, I came down to the floor to speak about Social Security and the President's plan to privatize, but after hearing the comments of the gentleman from Virginia regarding the gaming industry, I felt it is my responsibility as the Congresswoman from Las Vegas to speak on behalf of the gaming industry.

I grew up in Las Vegas. I know the people well. I know the community well. And I know the industry well. My father has a ninth-grade education. He was a waiter when I was growing up. On a waiter's salary in a Las Vegas casino, he made enough money to put a roof over our heads, food on the table, clothes on our backs and two daughters through college and law school. That is not so bad on a waiter's salary. The reason he was able to do that was because of a strong economy fueled by the gaming industry.

For anybody that thinks that the social ills of this country are caused by gaming, I invite them to come to my beautiful city of Las Vegas and see for themselves firsthand the strong economy based on the gaming industry that is run by some of the most reputable people that I have ever met. Come to Las Vegas and see for yourself the wonders of that amazing community.

TIME FOR KARL ROVE TO STEP ASIDE

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

Mr. PALLONE. Mr. Speaker, it appears that either President Bush's righthand man Karl Rove was deceiving his boss or the Bush administration was deceiving the American people in regards to the leak of a CIA agent's identity to the press.

When asked in September 2003 if he had any knowledge or leaked the name of the CIA agent to the press, Rove simply answered, ''no.'' The deception continued earlier this month when, on July 4th, Rove simply amended his previous statements by saying, ''I'll repeat what I said to ABC News when this whole thing broke some number of months ago, I didn't know her name, didn't leak her name.'' Last week, after Newsweek reported that the leak came from Rove, Rove's attorney shot back and said Rove ''did not tell any reporter that Valerie Plame worked for the CIA.''

Well, now Karl Rove's attorney is admitting that Rove did tell a reporter that Joseph Wilson's wife was a CIA agent. Sounds like a leak to me. So, it is now time for President Bush to ask for Karl Rove to go.

AMERICAN NEWSPAPERS NOT BUYING CONGRESSIONAL REPUBLICAN SOCIAL SECURITY PLAN

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

Mr. MELANCON. Mr. Speaker, America's editorial boards, both liberal and conservative, were not fooled by the Congressional Republican Social Security proposal unveiled this past month. The Republican plan would create private accounts out of the money now going into the Social Security trust fund.

The Baltimore Sun called the plan ''the worst plan yet.'' While the Minneapolis Star-Tribune said, ''It is so weird and ill-conceived that it wouldn't merit comment, except that prominent GOP lawmakers have rallied around it.'' USA Today examined the plan and concluded, ''for every one part substance, the plan contains nine parts gimmick.'' While the New York Times wrote that the plan abandons ''efforts to restore solvency in order to resuscitate those doomed, unwanted, unwise private accounts.'' Finally, the Roanoke Times and World News opined, ''Republicans touting the plan say it will stop the 'raid' on the Social Security trust fund. But if they wish to identify those perpetrating that 'raid' for the last 4 years, they need only look in a very large mirror.''

Mr. Speaker, Republicans are no longer fooling anyone. It is time that they take privatization off the table.

□ 1030

KARL ROVE MUST GO

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

Mr. FRANK of Massachusetts. Mr. Speaker, a couple of weeks ago, the right wing hit man, who is now the deputy chief of staff in the White House made an outrageously, consciously dishonest set of attacks on Members of this body by arguing that liberals had show ignored the terrible events of September 11, despite the fact that we virtually unanimously voted to go to war in Afghanistan, and voted for a homeland security department, in fact advocated it over the administration's objections.

We now have learned that the response of this hit man was to leak the name of a CIA agent, probably in violation of the law, certainly in violation of the rules that ought to be in place. And now we have this defense, the lawyer having previously denied that he did it, now says, well, it was not really a problem because he only said it was Joe Wilson's wife, he did not mention her name.

Now, perhaps the President's hit man maybe got him confused with one of his Saudi prince friends that thought that Mr. WILSON was a polygamist and had several wives and therefore identifying his wife would have thrown people off the track.

But I do not think that is really acceptable in a court of law. And as to the argument that by not naming her no one knew who he meant, does anyone doubt that the right wing hit man I am talking about, whose name I have not previously mentioned, is Karl Rove.

KARL ROVE MUST WALK THE PLANK

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

Mr. MENENDEZ. Mr. Speaker, now that we know Karl Rove was one of the White House officials who leaked the identity of Valerie Plame, it is time for President Bush to hold his right-hand man accountable and ask for Rove's resignation. This is, after all, what members of his own administration stated would happen when the President learned the identity of those responsible for the leak.

In September of 2003, White House Press Secretary Scott McClelland told reporters, ''If anyone in this administration was involved in it, they would no longer be in this administration.''

Pushed further a reporter asked him if the leaker should be fired. And he answered, ''If a source leaked information of this nature, yes.''

Republican National Committee Chairman Ed Gillespie said, I do not believe it would be hard for President Bush to ask the person to walk the plank. The fact that Karl Rove remains at the White House speaks volumes. It is certainly not the way the White House should operate.

The White House should not aid and abet those within it in exposing CIA agents who work for this country and defend it to danger, and therefore it is time for Karl Rove to walk the plank.

DISCOURAGING JOB NUMBERS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, last Friday we got another employment report showing that American workers are losing out. Payroll employment growth was disappointing once again. Only 146,000 jobs were added in June, when market forecasters were expecting between 175,000 and 200,000.

Though the unemployment rate edged down, it was not because people are reentering the labor force. There still seems to be a great deal of hidden unemployment. Compared to the start of the recession in early 2001, participation in the labor force now is actually 1.2 percent lower.

A smaller proportion of the working age population has a job now compared to then. Worst of all, inflation is still outpacing wages, and the distribution of earnings is increasingly imbalanced.

The signs are clear, workers are being shortchanged in this economic recovery, but this administration is standing idly by.

RESTORE VETERANS HEALTH FUNDING

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

Mr. EDWARDS. Mr. Speaker, the House should not recess this week until we have addressed the VA health care crisis. As we speak, health care services for veterans all across America are either being delayed or cut because of a billion dollar plus shortfall in VA health care programs.

Cutting veterans health care during a time of war is inexcusable and wrong. Unfortunately, 12 days ago the House leadership refused to support the billion and a half emergency funding bill passed by the Senate 96 to 0 on a bipartisan basis.

We could have had help already on its way to our veterans. It has been 8 days since Members of Congress gave patriotic speeches on July 4 honoring the service of our veterans. Those speeches are fine. Veterans deserve our support with our deeds not just our words.

Given the House leadership caused the VA health care crisis in the first place by underfunding, seriously underfunding health care programs for veterans over the last 2 years, they have a moral obligation to bring and pass through this House and send to the President this week an emergency funding bill for veterans. Our veterans deserve no less.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). 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 later today.

TREATMENT OF CERTAIN PAYMENTS UNDER NATIONAL FLOOD INSURANCE PROGRAM

Mr. BAKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 804) to exclude from consideration as income certain payments under the national flood insurance program, as amended.

The Clerk read as follows:

H.R. 804

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

SECTION 1. TREATMENT OF CERTAIN PAYMENTS UNDER NATIONAL FLOOD INSURANCE PROGRAM.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following new section:

''TREATMENT OF CERTAIN PAYMENTS

''SEC. 1324. Assistance provided under a program under this title for flood mitigation activities (including any assistance provided under the mitigation pilot program under section 1361A, any assistance provided under the mitigation assistance program under section 1366, and any funding provided under section 1323) with respect to a property shall not be considered income or a resource of the owner of the property when determining eligibility for or benefit levels under any income assistance or resource-tested program that is funded in whole or in part by an agency of the United States or by appropriated funds of the United States.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BAKER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BAKER).

GENERAL LEAVE

Mr. BAKER. 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 Louisiana?

There was no objection.

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

Mr. Speaker, it was just last year that the United States Congress acted to reform the flood assistance programs of this country to ensure that those who engaged in abusive practices and thereby were over assessing the program for repetitive flood losses would no longer avail themselves of that inappropriate opportunity.

Accordingly, as the House passed legislation, there was an unintended consequence, however, pursuant to a ruling by the IRS which found that there was no technical or legislative basis on which to exempt payments made from the flood assistance program for the purposes of an individual qualifying for additional governmental assistance.

I will translate that into something that is more appropriate. If, for example, a person were to accept an assistance mitigation payment to reduce the probability of future flooding, that income could then be counted and disqualify that person from receiving food stamps, aid to dependent children, perhaps Social Security, other health care assistance. And that, of course, was not the intent of the legislation as passed.

In fact, under the provisions of the Stafford Act, all other emergency assistance granted by FEMA does not count toward qualifying individuals for governmental assistance, or for that matter, as income qualifying under the IRS for taxable liability.

The reason for this policy position is quite clear, the whole goal of the effort was to incent people to make changes necessary to their property so they would no longer call on the Federal Government for flood mitigation assistance.

In one instance, an individual who was to receive significant mitigation funding, had he accepted it, would have put him far over the qualifying limits for even his Social Security benefits. That is not the outcome that one would want to see as a result of trying to assist a person with flooding problems.

Coming on the heels of Hurricane Dennis and many events across the Gulf Coast of the past few months, it is now clear this action is not only appropriate but necessary and does not violate precedent nor other actions of the Congress with regard to other assistance programs.

For these reasons, I feel the adoption of H.R. 804 is highly appropriate and responsive to the needs of our constituents.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I agree that this is a very important improvement to what was a very important piece of legislation.

At a time when people wonder about whether or not we are able to go forward, it ought to be noted clearly there

are strong ideological and partisan differences over some issues, as there should be in a democracy, but we have been able, from time to time, to work together on things where there is a consensus of common sense.

In this particular instance, the underlying legislation here was one which was strongly supported by a coalition of environmentalists and taxpayer groups who had a common understanding that in effect encouraging people to continue to rebuild in areas that were going to be flooded made no sense from either the environmental or the taxpayer perspective.

There was also an unusually fruitful bipartisan collaboration that brought us this bill. Our former colleague, the gentleman from Nebraska (Mr. BEREUTER), a senior member of the Committee on Financial Services, worked very closely with a continuing Member, the gentleman from Oregon (Mr. BLUMENAUER) and they did an excellent job of putting this piece of legislation together.

And we now, having enacted the legislation, encounter something that was unanticipated. This would clean it up. It would make a very good piece of legislation better.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, I just wanted to express my appreciation to the gentleman from Massachusetts (Mr. FRANK) and to the gentleman from Oregon (Mr. BLUMENAUER) for his cooperative work in this matter.

It has been bipartisan. I think it achieves a worthwhile policy goal, and I express my appreciation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield as much time as he would consume to the gentleman from Oregon (Mr. BLUMENAUER) who will be my last speaker.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this and the leadership of our friend, the gentleman from Louisiana (Mr. BAKER), who, as was mentioned along with our colleague, the former Member, the gentleman from Nebraska (Mr. Bereuter), will ironically will be in Washington D.C. this week.

I cannot think of a better gift for Mr. Bereuter, a recognition for his long service to this House and to the people of Nebraska and the country, to do this important clarification. I could not agree more with my friend from Louisiana (Mr. BAKER) how important it is to clarify the intent of this legislation.

The whole thrust of it was to, in some cases, eliminate potential abuse of the program. But more than an isolated case of abuse here and there, there were a number of people who were trapped in a pattern of flood and having to repair and did not know how to get out of it.

And the bill was designed, as my friend, the gentleman from Massachusetts (Mr. FRANK), pointed out, in cooperation with environmental groups, with taxpayer groups, with industry, the insurance industry, home building industry, financial institutions, to try and make sure that we did the right job for both the taxpayer and people who are in flood-prone areas.

The National Flood Insurance Program is critical to the lives of over 4 million policyholders. And many of the people eligible for flood-mitigation assistance under the flood insurance program were caught in this cycle of flooding and rebuilding and flooding again that could be ended with mitigation assistance.

Now, I support strongly this legislation to remove a disincentive for people living in flood-prone areas to accept the mitigation grant that will help prepare them for floods before they happen, reduce damage for future floods, and save lives for future disasters. Everybody wins if this program works right.

The policyholders win because, as we pointed out, as the legislation was moving forward, when we have the legislation, only 1 percent of the property owners were responsible for 25 percent of the flood-loss dollars.

By reducing the magnitude of this repetitive flood loss program, we were able to make a huge difference to a wide range of people. The Association of State Flood Plain Managers estimates that avoiding just one 10 percent increase will save the 4.4 million policyholders about $175 million each year.

Taxpayers will win if the mitigation program works right, because the flood insurance payments are the tip of the iceberg. Because there are many, many people in harm's way, who get part of their relief from flood insurance, but we have disaster plains on the Federal Government that far exceed them.

By making this program work right, we will save taxpayers money time and time again. I appreciate the hard work the Financial Services Committee has done in trying to fine-tune the flood insurance program, continuing hearings to make sure that it works right, and here, clearing up any ambiguity to make sure that we take any disincentive for using the mitigation grants and solve that problem to make sure that people take advantage of moving out of harm's way, saving money, enhancing the environment.

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

□ 1045

Mr. BAKER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) who is a strong advocate of our flood insurance program.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I want to thank, on behalf of my constituents, many of whom have to have flood insurance, I would like to thank the gentleman from Louisiana (Mr. BAKER) for introducing H.R. 804.

As we all know from watching the television, hurricane season has arrived again. Residents of the Gulf and east coast face familiar anxieties associated with the hurricane season. They begin to cross their fingers and hope their home will not be devastated by nature's wrath and that their belongings will not be washed away.

What residents should not have to be crossing their fingers over is whether the government is going to hit them with additional liabilities after they receive help. Yet, under the National Flood Insurance Program today, that is exactly what happens. The IRS considers NFIP grants as income which means any person on means-tested assistance loses. Residents who accept NFIP grants after their homes are destroyed by floods are then slapped with reduced government benefits such as health care, education or even nutrition assistance.

I commend the gentleman from Louisiana (Mr. BAKER) for introducing this legislation that prevents agencies other than the IRS from considering NFIP grants as income and I implore my colleagues to support this bill. Those who have been hit by floods should not have to choose between NFIP assistance and food stamps.

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

Mr. Speaker, I want to express my appreciation to all Members who have had an interest and role in perfecting this legislation. Merely for the purposes of establishing in the record as we close the chapter I believe on the reform of the Flood Mitigation Assistance Program, but every dollar of benefit paid is generated by premiums of flood insurance paid into the fund by home and property owners. It is a program which pays out benefits, and at any time, if there has been an advance of funding by the Federal Government when funds on hand have been deficient to pay existing claims, all dollars have been repaid plus interest over the life of the program. So in fact it is a program that functions in an efficient taxpayer-responsible manner.

And with the adjustments made over the past 18 months to the program, I hope it brings to an end further Congressional review and oversight of the important flood assistance programs as now constructed.

Mr. Speaker, the following is the revised cost estimate prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for H.R. 804, a bill to exclude from consideration as income certain payments under the National Flood Insurance Program. This estimate supersedes our original estimate that was transmitted on March 31, 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kathleen FitzGerald.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 804—A bill to exclude from consideration as income certain payments under the National Flood Insurance Program

If H.R. 804 were enacted, payments made under the National Flood Insurance Program for flood mitigation activities would not be

counted as income or resources when determining eligibility for any federal means-tested program. The Federal Emergency Management Agency (FEMA) awards grants to states and communities, which in turn distribute funds to individuals and businesses for activities that reduce the risk of repetitive flood damage to buildings. Data from FEMA show that the average approved award is about $75,000.

CBO expects that enacting this bil1 would increase the number of persons eligible for certain means-tested programs including Food Stamps and Medicaid. Currently, flood mitigation grants are counted as income or resources. by these programs and make some people ineligible for benefits or reduce the amount of their benefit. (Certain other FEMA grants are already excluded from income for benefit-eligibility purposes.) Based on data from FEMA on the number of flood mitigation grants awarded since fiscal year 1997 CBO estimates that the increase in the number of people newly eligible for these programs as a result of this legislation would be small and that any increase in direct spending for them would not be significant. Enacting the bill would not affect revenues.

H.R. 804 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, and any increased spending by states for public benefits would be minimal.

This revised estimate supersedes the estimate that CBO transmitted on,this bill on March 31, 2005. Based on new information on both the number of flood mitigation grants and how they are distributed, CBO has lowered its estimate of the number of instances where individual families receive such grants. We previously estimated a cost of about $1 million a year, but now estimate that such costs would be less than $500,000 a year.

The CBO staff contacts for this estimate are Kathleen FitzGerald (for federal costs), Leo Lex (for the impact on state, local, and tribal governments), and Paige Piper/Bach (for the private-sector impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 12, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: I am writing concerning H.R. 804, a bill ''[t]o exclude from consideration as income certain payments under the national flood insurance program,'' which is scheduled for floor consideration on Tuesday, July 12, 2005.

The bill is within the jurisdiction of the Committee on Ways and Means because it would exclude certain flood insurance mitigation payments from consideration for purposes of determining eligibility for and amount of benefits under certain means-tested programs. As a result the bill could affect eligibility for and benefit levels under certain programs under the Committee's jurisdiction. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 804, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 12, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your letter regarding H.R. 804, a bill ''to exclude from consideration as income certain payments under the flood insurance program.''

I recognize that specifying the treatment of these payments for purposes of determining eligibility for any income assistance or resource-tested programs could affect eligibility for and benefit levels under certain programs, including those under the jurisdiction of the Committee on Ways and Means. I appreciate your cooperation in developing an amended version of the bill, thereby permitting its consideration under suspension of the rules. This cooperation does not prejudice your Committee in any way with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I intend to place this exchange of letters in the Congressional Record. Thank you again for your assistance.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

Mr. NEY. Mr. Speaker, I appreciate Chairman BAKER's effort on crafting this piece of legislation and Chairman MIKE OXLEY's diligence in seeing this bill to the floor.

H.R. 804, introduced on February 15, 2005, will prevent federal agencies that administer means-tested or income-tested benefits from considering NFIP mitigation grants as income. H.R. 804 is necessary due to an IRS ruling in July 2004 that such grants must be reported as income for tax purposes. This IRS ruling has caused significant uncertainty in the administration of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004. Anecdotal information has revealed that a significant number of homeowners have refused mitigation offers not only due to the fear of a potential tax liability, but also the potential for other unknown liabilities imposed by other federal government agencies. These penalties could include the loss of certain federal education, nutrition and health care benefits. H.R. 804 eliminates the potential for additional penalties by preventing federal government agencies (other than the IRS) from considering NFIP flood mitigation grants as income.

The precedent for this exception is found in the Stafford Act, which explicitly states that any disaster or pre-disaster mitigation payments made to homeowners under that Act are not to be considered as income by any federal agency administering a means- or income-tested benefit. By incorporating this language in the National Flood Insurance Act, H.R. 804 will resolve any additional uncertainty by likewise preventing federal agencies from considering flood mitigation grants as income.

Floods have been, and continue to be, one of the most destructive and costly natural hazards to our nation. In the aftermath of Hurricane Dennis this past weekend, I fear many communities in the South and Midwest will witness this unrelenting power firsthand as the tropical depression continues to unload heavy, flooding rains inland.

During this past year, there have been three major floods in my district in eastern Ohio. All three of these incidents qualified for federal relief granted by the President. Recent flooding in January of this year resulted in historic levels in several local dams, and, in Tuscarawas County, three communities were forced to evacuate, which displaced 7,000 people. I was able to witness this devastation firsthand when I toured damaged properties in both Tuscarawas and Guernsey counties. Also, I am planning to hold a field hearing in Tuscarawas County next month to continue the Subcommittee's oversight of the National Flood Insurance Program.

The National Flood Insurance Program is a valuable tool in addressing the losses incurred throughout this country due to floods. It assures that businesses and families have access to affordable flood insurance that would not be available on the open market.

Prior to the passage of the National Flood Insurance Act in 1968, insurance companies generally did not offer coverage for flood disasters because of the high risks involved. Today, almost 20,000 communities participate in the national flood insurance program. More that 90 insurance companies sell and service flood policies. There are approximately 4.4 million policies covering a total of $620 billion.

Last year's Flood Insurance Reform Act achieved significant reforms to this important federal program and I look forward to hearing from all of our witnesses today as we discuss FEMA's implementation of its flood mapping policy, as well as determine whether new reforms and initiatives are in order to complement the work we accomplished last year.

I urge my colleagues to approve this legislation.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 804, a bill that would exclude from consideration as income certain payments under the national flood insurance program.

This bill was introduced by my friend and colleague from Louisiana, Mr. RICHARD BAKER, and was reported from the Financial Services Committee, by voice vote, on March 16, 2005. I am pleased to see it on the floor of the House this morning and am confident that it will receive favorable consideration.

H.R. 804 is a common-sense bill that will prevent Federal agencies administering means- or income-tested benefits from considering National Flood Insurance Program (NFIP) mitigation grants as income. Successful distribution of these mitigation grants is vitally important to the financial soundness of the NFIP, since they help prevent costly repetitive flood losses by allowing homeowners to elevate their properties or take other measures to prevent future flooding.

In July 2004, an IRS ruling maintained that these mitigation grants must be reported to the IRS as income for tax purposes. As a result, some homeowners have refused mitigation offers out of a concern that mitigation funds could increase their reported income to levels that would result in a loss of Federal education, nutrition and health care benefits. Other homeowners fear potential tax liabilities.

We in the Congress have put in a great deal of work over the past several years on the repetitive flood loss issue, culminating in the

Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004. This Act expanded the use of mitigation grants and requires homeowners to participate in flood mitigation programs. Unfortunately, we are now faced with a situation where affected homeowners face the loss of benefits such as subsidized school lunches, Federal education grants and Medicaid. That is just not right.

H.R. 804 removes this concern and will allow flood mitigation grants to work as intended. I urge my colleagues to help protect homeowners throughout our Nation by supporting final passage of H.R. 804.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 804, 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.

NASA AND JPL 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. BAKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 68) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory, as amended.

The Clerk read as follows:

H.R. 68

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 ''NASA and JPL 50th Anniversary Commemorative Coin Act''.

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary) shall mint and issue the following coins:

(1) $50 GOLD COINS.—Not more than 50,000 $50 gold coins which shall—

(A) weigh 33.931 grams;

(B) have a diameter of 32.7 millimeters; and

(C) contain 1 troy ounce of fine gold.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins of each of the 9 designs specified in section 3(a)(3)(B), which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 50 years of exemplary and unparalleled achievements of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2008''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum'', and such other inscriptions as the Secretary may determine to be appropriate for the designs of the coins.

(3) COIN IMAGES.—

(A) $50 COINS.—

(i) OBVERSE.—The obverse of the $50 coins issued under this Act shall bear an image of the sun.

(ii) REVERSE.—The reverse of the $50 coins issued under this Act shall bear a design emblematic of the sacrifice of the United States astronauts who lost their lives in the line of duty over the course of the space program.

(iii) EDGE.—The edge of the $50 coins issued under this Act shall bear the names and dates of the spacecraft missions on which United States astronauts lost their lives over the course of the space program.

(iv) HIGH RELIEF.—The design and inscriptions on the obverse and reverse of the $50 coins issued under this Act shall be in high relief.

(B) $1 COINS.—

(i) OBVERSE.—The obverse of the $1 coins issued under this Act shall bear 9 different designs each of which shall consist of an image of 1 of the 9 planets of the solar system, including Earth.

(ii) REVERSE.—The reverse of the $1 coins issued under this Act shall bear different designs each of which shall be emblematic of discoveries and missions of the Jet Propulsion Laboratory to the planet depicted on the obverse of the coin, subject to the following requirements:

(I) EARTH COIN.—The reverse of the $1 coins issued under this Act which bear an image of the Earth on the obverse shall bear images emblematic of, and honoring, the discoveries and missions of the National Aeronautics and Space Administration, the Mercury, Gemini and Space Shuttle missions and other manned Earth-orbiting missions, and the Apollo missions to the Moon.

(II) JUPITER COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Jupiter on the obverse shall include a scientifically accurate depiction of the Galilean moon Europa and depict both a past and future mission to Europa.

(III) SATURN COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Saturn on the obverse shall include a scientifically accurate depiction of the moon Titan and depict both a past and a future mission to Titan.

(IV) PLUTO COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Pluto on the obverse shall include a design that is emblematic of telescopic exploration of deep space by the National Aeronautics and Space Administration and the ongoing search for Earth-like planets orbiting other stars.

(iii) EDGE.—It is the sense of the Congress that, to the extent practicable, the edge of each $1 coin should bear the names and dates or range of dates of missions or mission types to the planet depicted on the obverse.

(4) REALISTIC AND SCIENTIFICALLY ACCURATE DEPICTIONS.—The images for the designs of coins issued under this Act shall be selected on the basis of the realism and scientific accuracy of the images and on the extent to which the images are reminiscent of the dramatic and beautiful artwork on coins of the so-called ''Golden Age of Coinage'' in the United States, at the beginning of the Twentieth Century, with the participation of such noted sculptors and medallic artists as James Earle Fraser, Augustus Saint-Gaudens, Victor David Brenner, Adolph A. Weinman, Charles E. Barber, and George T. Morgan.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Administrator of the National Aeronautics and Space Administration, the Director of the Jet Propulsion Laboratory, and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coin Advisory Committee.

SEC. 4. SYMBOLIC INCLUSION OF METALS THAT HAVE FLOWN IN SPACE.

(a) COLLECTION.—Each Federal agency and instrumentality of the United States, including the Department of Defense, the Smithsonian Institution, the National Aeronautics and Space Administration, and the Jet Propulsion Laboratory, that has in its possession any craft, or any part of a craft, that flew in space shall—

(1) retrieve such gold, silver, copper, and other metals that the Director of the United States Mint determines are appropriate for use in the production of any coins under this Act, from such craft or part, that can be retrieved without harming any such craft or part that may be of continuing use for its original purpose or for research, or whose preservation is appropriate for historical purposes; and

(2) deposit such metals so retrieved with the Director of the United States Mint.

(b) USE OF METALS IN PRODUCTION OF COINS.—Any metals deposited with the Director of the United States Mint under subsection (a) shall be used in the production of the coins struck under this Act by blending such metals with other metal necessary for the production of such coins so that all of the coins produced under this Act will contain some proportion of the bullion obtained from craft or parts of crafts that flew in space in an amount appropriate for the types and denominations of the coins and the amount of metals so deposited.

(c) RECORDKEEPING.—It is the sense of the Congress that each Federal agency and instrumentality of the United States which retrieves any metals in accordance with subsection (a) should maintain accurate and complete records of the retrieval and deposit of any such metals sufficient to allow the Director of the United States Mint—

(1) to provide certificates of authenticity with coins issued under this Act that some proportion of the contents of such coins were obtained from craft or parts of crafts that flew in space; and

(2) to package with each issued coin a list of the missions in which such craft flew in space.

(d) PRIVATE SPACECRAFT.—

(1) IN GENERAL.—Each Federal agency and instrumentality of the United States that has or continues to conduct space-related missions shall, in addition to the efforts described in subsection (a), make efforts to secure and retrieve from privately-held craft that has flown in space such gold, silver, copper and other metals that the Director of the United States Mint determines are appropriate for use in the production of any coins under this Act.

(2) RECORDKEEPING.—It is the sense of the Congress that each Federal agency and instrumentality of the United States which retrieves any metals pursuant to paragraph (1)

from privately-held craft that has flown in space should comply with the recordkeeping procedures described in subsection (c) with respect to such metal.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in proof quality only.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2008.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 2008.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) PRESENTATION.—In addition to the issuance of coins under this Act in such other methods of presentation as the Secretary of the Treasury determines to be appropriate, the Secretary shall provide, as a sale option, a presentation case which displays the $50 gold coin in the center surrounded by the $1 silver coins in an elliptical orbit.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $50 per coin for the $50 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly distributed as follows:

(1) The first $1,000,000 available for distribution under this section, to the NASA Family Assistance Fund for the purposes of providing need-based financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties.

(2) Of amounts available for distribution after the payment under paragraph (1), ½ to the Secretary of the Smithsonian Institution for the preservation, maintenance, and display of space artifacts at the National Air and Space Museum (including the Steven F. Udvar-Hazy Center).

(3) Of amounts available for distribution after the payment under paragraph (1), ½ to the Secretary of the Smithsonian Institution for the express purpose of providing funding for the establishment of a new stand-alone National Museum of Money.

(c) AUDITS.—The NASA Family Assistance Fund and the Secretary of the Smithsonian Institution shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. BRONZE DUPLICATES.

The Secretary may strike and sell bronze duplicates of the $50 gold coins authorized under this Act, at a price the Secretary determines to be appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BAKER) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BAKER).

GENERAL LEAVE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 68 and to insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, I wish to commend the gentleman from Texas (Mr. CULBERSON) and the Members of the Texas delegation for their efforts in recognizing the achievements of NASA with the introduction of H.R. 68.

It is highly appropriate at the time we are soon to expect the space shuttle program to reenter demand exploration effort this week that we observe and appreciate the heroism, genius and sacrifices that the program has given us to this point in time.

I think it is also appropriate that with NASA's Deep Impact Project of just a few days ago, impacting the surface of Comet Temple, as well as the very slow rolling wheels of *Spirit and Opportunity* cross and traverse the face of Mars, it seems stunningly impossible that these programs began only 50 years ago. That is why, Mr. Speaker, I think this legislation is important for the House to favorably consider as it seeks to commemorate the anniversary by issuing in 2008 into silver dollar coins and a single $50 coin representing the nine planets and the gold coin representing the sun.

Fittingly, the first million dollars of surcharges resulting from this effort will go to a needs-based fund benefiting the next of kin of those heroes who died in the exploration of space. Further, the remainder of funds will go to the Smithsonian for help in preservation of important spacecraft and half of the fund to create a stand-alone Smithsonian museum here in the District dedicated specifically to coins, currency and other monetary forms of transaction.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. CULBERSON) who has led the charge to see this goal through to its final conclusion.

Mr. CULBERSON. Mr. Speaker, I thank the gentleman for yielding me time and for bringing this bill to the floor in an expeditious fashion. I want to thank the committee members. I want to thank my 291 co-sponsors. I especially want to thank an extraordinarily able member of the gentleman's staff, Joe Pinder, who has done a superb job in helping prepare this bill for this floor.

It is indeed appropriate that the Congress recognize the 50th anniversary of the creation of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory with this commemorative coin set for the year 2008 here about 24 hours away from America's return to space with our launch tomorrow afternoon of the Space Shuttle *Discovery*, which will go from zero to Mach 25 in 8 minutes and 30 seconds into Earth's orbit tomorrow and just a short week after the Jet Propulsion Laboratory again showed the world the technological prowess of America's space program by hitting a comet for the very first time and exposing its inner workings to the eyes of scientists.

It was, in fact, on January 31 of 1958 that the American space program began with the launch of the first U.S. satellite, Explorer 1, which was built and controlled by the Jet Propulsion Laboratory, under the guidance of the United States Army in response to the Soviet Union's launching of Sputnik. The United States responded very quickly, and before the year was out, the Congress had created the National Aeronautics and Space Administration on December 3, 1958. JPL was then transferred over to the control of NASA. And since that time, JPL and NASA and the United States have gone on to explore our entire solar system with the help of the Hubble Space Telescope, the Spitzer Space Telescope.

We now have telescopes in orbit around the Earth that have identified up to 160 planets around other solar systems. NASA has discovered, as the chairman just mentioned, with the Mars Rovers that liquid water not only once existed on the surface of Mars, it appears that there are large frozen lakes on Mars. We have landed on the surface of the moon Titan. We not only landed men on the moon with the very successful Apollo program, but we are, under President Bush's vision for space exploration and the leadership of our new NASA administrator, Mike Griffin, rapidly moving towards the day very soon when men and women will return to the surface of the moon.

The accomplishments of NASA and the Jet Propulsion Laboratory are absolutely extraordinary, but this exploration has not come without risk or loss. As with all exploration that is new in pressing the frontiers, it is dangerous. Tragically, on January 27, 1967,

the three *Apollo* astronauts were killed in a fire on the launch pad of *Apollo I*. On January 28, 1996 the Space Shuttle *Challenger* was lost with its entire crew. And on February 1, 2003, the Space Shuttle *Columbia* and its seven-member crew were lost during reentry.

Therefore, in designing this set of coins, I have proposed in this bill that the centerpiece will be a $50 gold piece in high relief and proof honoring the lives of astronauts who have lost their lives in their exploration of space. On that $50 gold piece will be an image of the sun. Then arranged around it will be nine silver proof dollars, each one representing a different planet in the solar system and each one commemorating missions to that planet. And of course the silver dollar for the planet Earth on the reverse side will have a design emblematic to the Apollo missions as well as Earth orbital missions.

This commemorative coin set is just one small piece of ongoing work that Congress is doing in support of NASA. It is difficult to even measure the value of the work that NASA does in exploring outer space. Measuring the value of NASA's work today is a lot like the question facing Americans 200 years ago when the Lewis and Clark expedition was launched to explore the west. How could Americans then measure the value of all the minerals and animal species that the Lewis and Clark expedition would find? How can we today measure the value of the exploration and discoveries that will be made by NASA in the Jet Propulsion Laboratory?

Americans today are enjoying the value of the miniaturization of computers, medical technology, heart pumps, valves, power generators, image processing, cell phone technology, CAT scanners, MRI machines, pacemakers. All of these extraordinary technological innovations are the result of work on our space program.

Mr. Speaker, I am very proud to be the author of this legislation.

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

Mr. Speaker, I rise in strong support of H.R. 68, the NASA and JPL 50th Anniversary Commemorative Coin Act. Since it was first introduced by the gentleman from Texas (Mr. CULBERSON) at the beginning of this Congress, it has gathered almost 300 bipartisan cosponsors, and I am very proud to have worked with him in this effort.

It is not surprising that it has such strong support. NASA is a national institution that has always had strong support in this body. Its quest for scientific knowledge and new frontiers of exploration has often pulled this Nation together.

In the half century since its founding, NASA has so often given us something to be proud of and patriotic about. When President Kennedy first told the world that the United States would be the first to put a man on the moon; when Neil Armstrong fulfilled that promise with one small step seen around the world, and I do not think any of us who had the honor of seeing that will ever forget it; when the Hubble telescope sent back those first amazing photos of far away galaxies 15 years ago; when the Mars Rovers, Spirit and Opportunity found evidence of a former sea deep beneath the surface of the red planet, these are just a few of the very proud moments that this coin remembers.

This coin also honors those brave men and women who have given their lives in their pursuit of knowledge. The crew of the *Challenger*, the crew of the *Columbia*, the *Apollo I* crew. These are true heroes, and it is imminently fitting that the proceeds of this coin will go to the families of NASA personnel who have died in the line of duty.

It is particularly appropriate that we consider this bill today just hours before the important launch of the Space Shuttle *Discovery* tomorrow. That launch begins the mission stage of the Return to Flight program NASA undertook after the *Columbia* tragedy. That review included new safety procedures, new analysis and reporting procedures, and new cost efficiencies. Let us hope that it is the successful beginning of a new and exciting era of this agency.

Commander Eileen Collins, the first woman to command a space shuttle mission, and her crew of 7 will once again take the shuttle to the International Space Station testing new safety procedures and delivering supplies. Although there have been several well-known women astronauts before, Commander Collins is still a new first, and I for one am particularly excited about this mission. We, the world, will be watching as *Discovery* lifts off tomorrow.

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I urge my colleagues to support H.R. 68, which commemorates the proud history of our National Aeronautics and Space Administration, and I would like to join my colleagues in thanking Joe Pinder, a member of the committee, for his very, very hard work in bringing the bill before us today.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN) a member of the committee whose district is very close to where the shuttle will take off tomorrow and who is also a member of the Committee on Financial Services.

(Mr. AL GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise to support this bipartisan effort to honor NASA with a 50th anniversary commemorative coin. Mr. Speaker, this is a great occasion, and I wish to thank those who have made this great occasion possible.

I thank the gentleman from Louisiana (Mr. BAKER), chairman of the Committee on Financial Services; the gentleman from Texas (Mr. CULBERSON); the majority leader, the gentleman from Texas (Mr. DELAY); the gentleman from Texas (Mr. GENE GREEN); the gentlewoman from New York (Mrs. MALONEY); and the gentleman from California (Mr. SCHIFF) for their singular effort to bring this bipartisan bill to the floor.

I also wish to thank the many who work at NASA, Mr. Speaker, from the top administrator to the janitors who sweep the floor. They all play a role in making space flight possible. And of course, Mr. Speaker, I thank God for those brave astronauts who leave loved ones behind to traverse the heavens.

Mr. Speaker, while we commemorate NASA's 50 years of existence, we must acknowledge that it could not have been done without the hand of God. And if it is God's will, Mr. Speaker, it is safe to say that we have only just begun.

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

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

Mr. CULBERSON. Mr. Speaker, will the gentleman from Louisiana yield for the purpose of entering into a colloquy?

Mr. BAKER. I yield to the gentleman from Texas for the purpose of a colloquy.

Mr. CULBERSON. Mr. Speaker, I would ask the chairman of the subcommittee, is it his understanding that a major purpose of commemorative coin legislation is to produce coins that commemorate particular institutions, individuals, or places, allowing both collectors and other citizens who are fans of the person or thing being commemorated to buy coins at a reasonable cost?

Mr. BAKER. That is my understanding.

Mr. CULBERSON. Is it further the gentleman's understanding that the Congress has received complaints from citizens who want to buy such commemorative coins claiming that, particularly for the more sought-after coins, that professional coin dealers buy up large numbers of those coins and sets, and then turn around and resell them to the public at a marked-up price?

Mr. BAKER. That is unfortunately the case.

Mr. CULBERSON. Would the gentleman also agree that it is the intent of Congress, through this legislation, that as many people as possible have an equal opportunity to buy these commemorative coin sets or individual coins once the Mint initially issues them?

Mr. BAKER. That is correct.

Mr. CULBERSON. Then I am sure the gentleman would also agree with me that the Mint should be very careful, take as much care as possible with all high-demand commemorative coin issues, but particularly with coin sets produced under this act, to sell no more than 10 complete sets of any issue to any individual, whether the purchase is made by that individual or through straw buyers.

Mr. BAKER. The gentleman agrees and stipulates the Mint should make every effort not to sell more than 10 sets of coins produced under the act to any buyer, be they bought by that individual or through buyers acting on behalf of that individual.

Mr. CULBERSON. I thank the gentleman, and would the gentleman yield further?

Mr. BAKER. The gentleman continues to yield.

Mr. CULBERSON. As the gentleman knows, the legislation under consideration by the House today would devote a portion of the surcharge income produced by the sale of these coins to provide not only funds for the NASA Family Assistance Fund, but also the initial funding for a stand-alone museum of money in Washington, DC, as a part of the Smithsonian Institution.

And as the gentleman also knows, the National Numismatic Collection of the Smithsonian is not currently on display, except for a few coins or currency in various exhibits related to the coins or currency or to the images displayed on them. Would the gentleman agree with me that the numismatic collection, one of the largest and best of its sort in the world, should be displayed in its own building here in Washington, in such a way that helps people understand not only the history of commerce and coins and currency in the United States but also the history of this country's development?

Mr. BAKER. I do agree.

Mr. CULBERSON. Would the gentleman further agree that the numismatic collection would best be displayed in a separate museum here in Washington, not as a subset or subsidiary of any existing Smithsonian museum, but that such a museum could also display examples of other forms of exchange of value, from barter and wampum to coins and currency of other countries, to electronic transfers of value, along with demonstrations of how coins and currencies are produced in its own stand-alone museum here in Washington, D.C.?

Mr. BAKER. I do agree.

Mr. CULBERSON. Does the gentleman agree that such a museum's exhibits could be kept vital by constant development of traveling exhibits to museums around the country, including those of the American Numismatic Association, the American Numismatic Society, and perhaps, if it is constructed, a museum in the old Mint in San Francisco?

Mr. BAKER. The gentleman agrees and believes that such a plan would be an excellent way to keep a new national museum of money exciting so that visitors would be interested in returning many times.

Mr. CULBERSON. Mr. Speaker, I thank the gentleman for this colloquy.

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

Mrs. MALONEY. Mr. Speaker, I yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a member of the House Committee on Science, this is an important day and an important week. I am delighted we have an opportunity to debate the assets of NASA today in the commemoration of their beginning their human space flight again. This legislation, the NASA and JPL 50th Anniversary Commemorative Coin Act, is one that I think speaks loudly to the celebration that we hold tomorrow.

Mr. Speaker, I congratulate my colleague, the gentleman from Texas (Mr. CULBERSON), and I was a proud original cosponsor in his effort to promote and celebrate the excitement of the work of NASA and the Jet Propulsion Lab. I also thank the gentleman from Louisiana (Mr. BAKER) and the gentlewoman from New York (Mrs. MALONEY) as well for their efforts in moving this legislation forward.

This legislation is unique in its promotion of NASA and the Jet Propulsion Lab, and it speaks to the best of what NASA represents. I believe, of course, that human space flight is crucial to the knowledge of men and women and the improvement and enhancement of Americans and people around the world. At the same time, the Jet Propulsion Lab also offers its own assets: new technology and understanding of flight and new sciences regarding these issues.

The good news of this particular legislation is it responds to a concern that I have, and that is to recognize the families that have seen their loved ones lost in the exploration of space. We know that space exploration is a good thing, so the idea that the $50 coin and the $10 coin, or the two coins that will be offered, the surcharge that will be on those two coins will be utilized for the NASA Family Assistance Funds, which proposes financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties.

As a neighbor to the Johnson Space Center, I knew the families of *Challenger* and *Columbia*, and my heart, as well as the hearts of all Americans, poured out in response to the enormous impact and loss of life to those families and to America, brave astronauts willing to risk their lives so that others might live well or better.

Tomorrow, at 3:51, the Space Shuttle *Discovery* is scheduled to launch from the Kennedy Space Center in Florida with a woman commander. What better statement to support that effort than by passing this legislation today. Even as they go forward, they will have the opportunity to test the muster and fortitude of the space station by delivering goods and services there. They will first demonstrate repair techniques on the shuttle's protective tiles, known as the thermal protection system. During the second space walk, they will replace a failed control moment gyroscope, which helps keep the station oriented properly. And, finally, they will install the external storage platform, a sort of space shelf for holding spare parts during station construction.

This bill also provides for a free-standing museum and also a traveling exhibit to promote and celebrate the various metals that have been found in space. I think that is an excellent idea.

Mr. Speaker, I rise to support this legislation and I make one comment. It is important as we support the human space shuttle as it goes off tomorrow, that we continue our oversight with the NASA authorization bill and that we recognize the importance of safety and that we promote in large dollars the needs of NASA as it looks to the sophistication of new safety standards.

Then of course I hope that my colleagues will join me in honoring those who lost their lives aboard *Columbia* by rendering a gold medal, where I sought 300-plus signatures on legislation that I offered to promote that and to acknowledge their loss through a gold medal. I think that will bring us full circle to acknowledging going forward but also acknowledging the sacrifices that were being made.

Let me conclude my remarks by saying that in 1962, John F. Kennedy was at Rice University and he said these words: ''We set sail on this new sea because there is new knowledge to be gained and new rights to be won, and they must be won and used for the progress of all people, for science technology has no conscience of its own.''

Today, we honor them by this legislation. I congratulate my colleague for H.R. 68, and I urge my colleagues to enthusiastically support it, for it recognizes NASA and JPL for their 50th anniversary.

I rise today as a proud cosponsor of H.R. 68, the NASA and JPL 50th Anniversary Commemorative Coin Act. Let me first thank the sponsor of this legislation my colleague from Texas, Mr. CULBERSON and the work of Ms. MALONEY in bringing this legislation to the floor. This bill would require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

I am heartened to see that the NASA and JPL 50th Anniversary Commemorative Coin Act stipulates that any funds generated by the sale of these coins shall be paid by the Secretary to the NASA Family Assistance Fund for the purposes of providing financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties. This Act also states that each coin shall include a portion of metal that has flown In space so that these coins are truly symbolic of our Nation's journey through space.

Being from the City of Houston, which is home to the Johnson Space Center I take great pride in the accomplishments of NASA. Tomorrow at 3:51 p.m. the Space Shuttle *Discovery* is scheduled to launch from the Kennedy Space Center in Florida. I am proud to

say that I will be among the Congressional Delegation that will be in attendance at this historic launch. The launch of the Space Shuttle *Discovery* will come more than 2 years after the tragic *Columbia* shuttle accident. The crew of the *Discovery* will include astronauts Steve Robinson, Jim Kelly, Andy Thomas, Wendy Lawrence, Charlie Camarda, Eileen Collins and Soichi Noguchi. With implementation of the *Columbia* Accident Investigation Board recommendations completed, this crew of seven astronauts will fly aboard Space Shuttle *Discovery* on mission STS–114 to test new safety techniques and deliver needed supplies to the International Space Station. Two crewmembers, Steve Robinson and Soichi Noguchi, will venture outside the Shuttle three times on spacewalks. The first will demonstrate repair techniques on the Shuttle's protective tiles, known as the Thermal Protection System. During the second spacewalk, they'll replace a failed Control Moment Gyroscope, which helps keep the station oriented properly. Finally, they'll install the External Stowage Platform, a sort of space shelf for holding spare parts during Station construction. STS–114 will also be the third trip of the Multi Purpose Logistics Module, MPLM, named Raffaello to the Station. It's essentially a "moving van" that transports supplies to the orbital outpost.

I have consistently stated that since the *Columbia* shuttle accident, that safety must be our number one priority. There is no doubt that the Space Shuttle *Discovery* is the safest ever flown by NASA, but when it comes to safety there is always more work to be done, both in regards to the shuttle as well as to the International Space Station. All Americans can look proudly upon the achievements of our space exploration tomorrow when we witness the launch of *Discovery*.

Truly, we as a nation have come a long way in the area of space exploration since President John F. Kennedy set the course for our Nation when he stated in a speech at Rice University in 1962: "We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people. For space science, like nuclear science and technology, has no conscience of its own. Whether it will become a force for good or ill depends on man, and only if the United States occupies a position of preeminence can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war—The great British explorer George Mallory, who was to die on Mount Everest, was asked why did he want to climb it. He said because it is there. Well space is there, and we're going to climb it. And the moon and the planets are there. And new hopes for knowledge and peace are there. And therefore, as we set sail, we ask God's blessing, on the most hazardous, and dangerous, and greatest adventure, on which man has ever embarked." Tomorrow afternoon we embark on yet another journey of exploration and we write another chapter in the history of space. Our Nation has seen great tragedy and yet we continue to move forward because that is the only path that knowledge will accept, truly it is appropriate that tomorrow's shuttle will be called *Discovery*.

Mrs. MALONEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GENE GREEN), who has the honor of representing many NASA employees.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank both my House colleagues but also my Rayburn Hall colleague, and also we both came to Congress in 1993 together. I rise to offer my strong support for H.R. 68 as an original cosponsor. The National Aeronautics and Space Administration and the Jet Propulsion Laboratory have made significant contributions to all aspects of science advancement over the last half century and deserve the commemoration by having a coin minted celebrating this anniversary.

Since its inception in October of 1958, NASA has pushed the boundaries of exploration from Earth to the Moon, to the outer reaches of the solar system and to the edge of the universe through scientific and technological feats in air and space. NASA remains a leading force in scientific research and stimulating public interest in aerospace exploration, as well as science and technology in general.

Since 1997, I have had the privilege of having NASA astronauts visit middle schools in the congressional district I represent. It is good to have them as neighbors, literally in the district of the gentleman from Texas (Mr. DELAY), but they actually come to our district to visit. The interaction between these middle school students with the astronauts and the questions they ask about space and NASA demonstrate the benefits of our space program and the impact on getting our students today who are in middle school excited about math and science.

It is really great when an astronaut who has a great story to tell can get the attention of these 6th, 7th and 8th graders. Because, again, that is the future not only of NASA but of our Nation. When looking back over its history, we remember such revolutionary achievements as the Echo Project, which led to advancements towards the satellite systems we take for granted today, the creation of the manned spacecraft center and mission control in my hometown of Houston, which later was renamed the Johnson Space Center, on through Neil Armstrong's first steps on the Moon and the lift-off of the shuttle program and the construction of the International Space Station.

The achievements of NASA have not come without cost, however, and having a coin minted to celebrate NASA's accomplishments will also honor the sacrifices made by crew members of *Apollo I*, *Challenger* and *Colombia* who gave their lives advancing our space program.

As NASA takes one more significant step in history tomorrow by returning to flight after more than 2 years, we have the opportunity today to express our support by authorizing the production of a coin emblematic of the 50 years of exemplary and unparalleled achievements of NASA and the JPL. Our prayers and support are with our astronauts tomorrow, and I strongly urge my colleagues to support this legislation.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume and advise that that concludes the speakers on this side. As revealed by the eloquent statements from my colleagues, the gentlewoman from Texas (Ms. JACKSON-LEE), a 10-year member of the Committee on Science; and the gentlemen from Texas (Mr. AL GREEN) and (Mr. GENE GREEN), both of whom represent NASA employees, I would say there is great enthusiasm on both sides of the aisle, with over 300 cosponsors.

This is important legislation. It honors not only NASA on its 50th anniversary but the commitment of this country and body to science and scientific advancement. I thank very much the chairman of the committee, the gentleman from Louisiana (Mr. BAKER), and the gentleman from Texas (Mr. CULBERSON), who has really been the fight behind moving this to the floor, along with the fine help of Joe Pinder.

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

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

Mr. Speaker, I just wish to point out that the astronauts are the bravest of the brave and assume the most dire risk in these missions as they approach to reach the outer limits of mankind's understandings. But within the organization known as NASA and JPL, there are literally thousands of individuals who work collaboratively for years to get these launches to the place where they can proceed at the highest level of safety and responsibility.

So I look at this act and this step the Congress is now authorizing today as one which recognizes not only those life-risking astronauts as being the pinnacle of our recognition, but certainly every member of the NASA JPL teams who literally work lifetimes to make these steps of exploration by humankind possible.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

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Mr. CULBERSON. Mr. Speaker, it is a collaborative effort. There are thousands of scientists and engineers at NASA and the Jet Propulsion Laboratory and across the country and scientists around the world who participate in these missions.

I also want to point out that this set of coins will contain metal that was recovered from spacecraft that actually flew in space. So some portion of each coin will contain metal that flew in space. There will be a certificate to that effect. The money will go to the support of the families, and it will also go to the support of the Air and Space Museum and for the creation of a money museum. The coins are expected to generate quite a bit of revenue, and, therefore, it will be a benefit to the families who have lost loved ones.

But above all, Congress has expressed its strong support for NASA. I am proud to serve on the Committee on Appropriations, Subcommittee on Science. The gentleman from Virginia (Chairman WOLF) is a strong supporter. This House has supported increased funding for NASA in a vote on this floor just weeks ago.

So in addition to this coin, Congress has expressed our tangible support for NASA and their mission with increased funding.

As this coin is brought into production in 2008, we do not know what the future holds, but I am confident it holds immense promise. Just as the Lewis and Clark expedition brought unknown and immense benefits to the Nation, the American space program will continue to bring incredible growth in our economy as a result of technological spinoffs. The unparalleled growth we have seen in worker productivity in America is a direct result of improvements in high technology and communications and scientific and medical research.

Thomas Jefferson, my hero, always said freedom is the firstborn child of science, and there is no better way for America to express our pride and our confidence in our Nation's space program than by commemorating their 50th anniversary with this coin set in the year 2008.

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

Mr. Speaker, I include for the RECORD an exchange of correspondence between the Committee on Financial Services and the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 11, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your letter regarding H.R. 68, the ''NASA and JPL 50th Anniversary Commemorative Coin Act,'' which was reported to the House by the Committee on Financial Services on June 17, 2005.

As you noted, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 68 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I appreciate and agree to your offer to include this exchange of letters on this matter in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, June 24, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing concerning H.R. 68, the ''NASA and JPL 50th Anniversary Commemorative Coin Act,'' which will be scheduled for floor consideration in the near future.

I acknowledge your committee's jurisdictional interest in this bill and request your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include a copy of this letter and your response in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

Mr. OXLEY. Mr. Speaker, two and a half years ago we all watched in horror as the space shuttle *Columbia* fell apart during reentry over the Southwest. Nearly two decades ago, we all watched in horror as the *Challenger* blew up on launch. And before that, we remember other space tragedies. But, Mr. Speaker, despite all the sense of sorrow and loss that those events brought, we also remember the successes of NASA and the Jet Propulsion Laboratories—spacewalks and moon walks, moon rocks and rocket jocks.

The history of NASA and the JPL are a glorious celebration of all that is American, the right stuff, the elation and the tragedy, the bravery and the genius. And so today I rise in strong support of the proposal by the gentleman from Texas to honor the 50th anniversary of NASA and the JPL with commemorative coins to be issued in 3 years.

Mr. Speaker, just like the space exploration program, this program is big and reaches for the stars. The coins will have symbolic, though trace, amounts of metal that has actually flown in space. Though the coins will be available individually, the prize no doubt will be sets representing the solar system that will become prized collector items for space fans and coin collectors alike who will be glad to fork over the $1,200 or $1,500 that will be necessary to buy nine silver dollars and one gold $50 coin.

Fittingly, surcharges on the sale of the coins will go to help the survivors of those heroes killed in space exploration accidents, and to help preserve and display spacecraft at the Smithsonian Air and Space Museum, said to be the most popular tourist destination in the District of Colombia. Also fittingly some of the surcharge money will be used to seed creation of a Smithsonian Museum of Money here in DC. I know the gentleman from Texas, besides being an energetic Member of this body, is a coin collector himself, and I think it is fitting that a coin program and a coin collector will be the start of such an overdue money museum effort.

And so, Mr. Speaker, as we all look at television this week and see the re-start of the space shuttle program, let us think a little about heroes, and about guts and glory, and about genius, and how all of these things are the essence of America. And today, let us support this legislation overwhelmingly.

Mr. DREIER. Mr. Speaker, I rise today in strong support of H.R. 68, legislation authorizing the U.S. Mint to produce commemorative coins for the 50th anniversary of the National Aeronautics and Space Administration (NASA) and the La Canada-Flintridge-based Jet Propulsion Laboratory (JPL), which I am privileged to represent.

NASA and JPL's decades of space and planetary exploration are worthy of this recognition. For more than fifty years, JPL has reached the outer limits of our solar system and made incredible technological breakthroughs. These achievements are all thanks to the outstanding people who have worked there over the years. Having just recently visited JPL for Deep Impact, I am confident they have another exciting fifty years ahead.

Several colleagues joined me at JPL on July 4th to watch Deep Impact, a mission that will expand our understanding of the universe and answer many questions about the origins of our solar system. As many of you read in the news, Deep Impact mission scientists at JPL accomplished the amazing feat of flying an 820-pound probe into the heart of a comet 268 million miles from Earth. To complicate matters, the comet was speeding through space at 23,000 miles per hour.

I want to thank my good friends Mr. CALVERT, who chairs the House Science Subcommittee on Space and Aeronautics, and Mr. SCHIFF, who used to represent JPL and now has Caltech in his district, for joining me at JPL to celebrate our nation's independence. I am sure they will agree that the fireworks we saw from JPL' s Mission Control room on July 4th rivaled those that were launched here at our Nation's capital.

Deep Impact is just the latest in a long series of incredible accomplishments of JPL and NASA, dating back to the very beginning of United States space exploration. On January 31, 1958, the American space age began with the launch of Explorer I, the first U.S. satellite. At a time of national disappointment following the Soviet Union's successful launch of *Sputnik*, Explorer I turned the tide in international space exploration, displayed America's pioneering spirit-and scientific excellence, and spurred our space efforts. The organization behind the development, launch, and control of Explorer I was JPL.

JPL will continue to push the boundaries of space and science with upcoming missions, such as SIM PlanetQuest and the Terrestrial Planet Finder. These missions will bring us closer to discovering whether there may be other planets like our own. This quest is an important one, which is why the search for Earth-like planets is a central part of the President's vision for space exploration.

I have no doubt these very exciting missions will expand our horizons, answer many questions and capture our imagination, just as previous missions have. For example, it was one year ago that the *Cassini-Huygens* Spacecraft successfully entered orbit around Saturn. Since that time we have seen some incredible images and learned a great deal about Saturn and its rings.

A little over two years ago, the first of the two Mars Exploration Rovers, Spirit, was launched. In January 2004, the second rover,

Opportunity, landed on Mars. Both have proven to be work horses on the planet's unforgiving surface, and both have made fascinating discoveries. Spirit found evidence that early Martian history was wet and violently explosive, and Opportunity found evidence of a shallow ancient sea.

There are also tangible scientific and technological results from JPL and NASA's successes. For example, the work of scientists and engineers at JPL has resulted in medical imaging technology used in brain surgery, the detection of breast cancer and detection of skin cancer, and in computer chips that have been used to reduce engine emissions in automobiles. These and other breakthroughs play a critical role in ensuring America keeps its technological and scientific edge.

I congratulate JPL and NASA on their many decades of exploration and discovery.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 68, 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.

PROVIDING THAT THE HOUSE OF REPRESENTATIVES WILL FOCUS ON REMOVING BARRIERS TO COMPETITIVENESS OF THE UNITED STATES ECONOMY

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 352) providing that the House of Representatives will focus on removing barriers to competitiveness of the United States economy.

The Clerk read as follows:

H. RES. 352

Whereas the economy of the United States is part of a global economy in which domestic industries face ever stronger competition from foreign industries;

Whereas growth in exports accounts for one-sixth of all growth in the United States economy;

Whereas approximately 1 in 5 factory jobs in the United States depends directly on international trade;

Whereas American farmers export 1 in 3 acres of their crops, and exports generate nearly 25 percent of farmers' gross sales;

Whereas the estimated total regulatory burden on United States business is more than $850 billion per year;

Whereas, according to a study sponsored by the Office of Advocacy of the Small Business Administration, government regulations cost firms with fewer than 20 employees 60 percent more per employee than the cost to firms with more than 500 employees;

Whereas the Office of Management and Budget recently found that for every dollar of direct budget expenditure devoted to regulatory activity, the private sector spends $45 to comply with regulations;

Whereas high-technology industries are driving economic growth around the world, as shown by the fact that the global market for high-technology goods is growing at a faster rate than the rate for other manufactured goods;

Whereas more than 1 million American jobs are dependant upon research and development spending in the United States;

Whereas the cost of medical care in the United States regularly outpaces general inflation;

Whereas 90 percent of Americans who are under age 65 and covered by health insurance currently obtain that insurance through employers;

Whereas 85 percent of jobs in the United States today are classified as skilled jobs and in 1950, only 20 percent of jobs were so classified;

Whereas 80 percent of the 50 fastest growing occupations require education beyond high school;

Whereas, despite spending $60 billion per year on training, 60 percent of United States companies are prevented from upgrading technologically by the low educational and technical skill levels of their workforce;

Whereas, in 2003, American taxpayers spent an estimated $203.5 billion to comply with the Federal income tax code, enough to buy more than 5 million new luxury 4-door sedans at retail price and by 2007, annual compliance costs are projected to rise to $244 billion;

Whereas the tax compliance burden is twice as much for businesses with fewer than 20 employees as it is for businesses with more than 500 employees;

Whereas the cost of frivolous litigation in the United States exceeds $230 billion per year, an amount equal to more than $2,000 per American household;

Whereas the cost of liability defense is approximately $150,000 per year for each small business, money that could be spent to hire additional employees, expand operations, or improve health care coverage;

Whereas, in 2002, trial lawyers received approximately $40 billion from litigation, more than the annual revenues of Microsoft and Intel, and twice the revenue of Coca-Cola;

Whereas total energy consumption in the United States is expected to increase more rapidly than domestic energy supply through at least 2025;

Whereas the Energy Information Administration projects that net imports will constitute 36 percent of total United States energy consumption in 2025, as compared with only 26 percent in 2002; and

Whereas, according to a study sponsored by the National Association of Manufacturers and American Council for Capital Formation, consumers will face a 61 percent increase in gasoline prices unless the United States implements a policy to increase the supply of affordable energy: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF EXISTING BARRIERS TO KEEPING AND CREATING JOBS.

The House of Representatives recognizes that there are existing barriers to keeping and creating jobs in the United States, particularly in the following areas:

(1) Trade restrictions and inequality.
(2) Bureaucratic red tape.
(3) Innovation and investment.
(4) Health care security.
(5) Lifelong learning.
(6) Tax burden and complexity.
(7) Lawsuit abuse and litigation management.
(8) Energy self-sufficiency and security.

SEC. 2. NEED FOR CONGRESSIONAL ACTION.

The House of Representatives recognizes that improving the competitiveness of the United States economy depends on congressional action to remove barriers in the areas referred to in section 1.

SEC. 3. FEDERAL AGENCY REVIEW OF RULES AND POLICIES.

The House of Representatives expresses the sense that every Federal agency should review its rules and policies regarding the competitiveness of the United States economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 352.

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

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, the United States has the number one economy in the world. For almost two centuries, we have been the envy of the world: a dynamic economy; a hard-working, motivated workforce; truly the land of opportunity where innovation has thrived. The status is changing, though. We are running a $670 billion annual trade deficit which is contributing to our Federal budget deficit and slowed economy over the past few years.

This development is not a temporary blip on the radar screen. It is the culmination of a generation of increased regulation, unsound tax policies, languishing emphasis on math and science education, unchecked health care costs, rampant lawsuit abuse, unfocused research and development funds and a weak trade policy enforcement. In short, our government has made it difficult and undesirable to do business in the United States. We have put roadblocks to keeping and creating jobs in America, and we have done this to ourselves.

If these current trends continue, our economy will continue to lag and we will no longer remain the most dynamic economy in the world. Meanwhile, China, India and other nations are preparing for the future. They are educating their students in math, science and technology, and pumping out record numbers of engineers. They are reducing tax rates and other economic barriers to entice investments in their nations. They are pursuing aggressive trade policies to reduce America's dominance in world trade.

Without attention to these matters, the United States is headed towards a third-rate economy; 5, 10, 20 years down the road, we will no longer be the world's leader or even second place. We will become a third-rate economy. That is why we need to take this issue seriously.

Last year, we began the competitiveness legislative agenda on the floor, and over a period of 8 weeks, we discussed and voted on issues related to keeping and creating keeping jobs in America. Later this summer, the Jobs Action Team will again bring legislation to the floor to combat this problem. We need to take a longer-term vision.

For this reason, I am initiating the House Economic Competitiveness Caucus. The caucus will carefully examine the issues facing our ability to compete economically over the coming years. We will work to focus congressional efforts to removing the barriers to American economic competitiveness and develop economic goals for the future and find paths to get there.

I encourage my colleagues to join me in finding ways to guarantee a vibrant, internationally competitive American economy now, 5, 10, 15 and 20 years down the road. Our goal is to ensure high-quality and high-paying jobs for all Americans today and in the future.

Mr. OWENS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, none of us could be against removing barriers. However, the definition of barriers allows room for a lot of disagreement. It is very interesting that the thrust of this resolution is that regulations in the United States are barriers to competitiveness, and yet our economy is linked to a nation which has the maximum number of barriers in terms of regulatory procedures, the economy of China.

China is still a communist government. China is still an economy ruled by a communist government, which means they can set up regulations as they see fit and change the rules as they see fit, and yet we are linking our economic fate to China. Our industries have moved on a wholesale basis to China. Obviously, regulation is not ruining the situation in the Chinese economy, and our propensity for dealing with this communist/capitalist country, this mongrel, whatever economy we want to call it, our greedy manufacturing industry has gone there. Retail and wholesale industries are bringing back the consumer goods. We just love China. Wall Street loves China, and China is a very tightly regulated economy. The greatest barrier one can imagine is there, and yet they thrive.

I want to run through a few of the whereases in this very interesting resolution which covers a lot of territory. One cannot disagree with some of the whereases: Whereas our technology is driving economic growth around the world, as shown by the fact that the global market for high-technology goods is growing at a faster rate than the rate for other manufactured goods. I agree with that whereas.

Whereas more than 1 million American jobs are dependent upon research and development; whereas the cost of medical care in the United States regularly outpaces general inflation. How can I disagree with that? That is a fact.

Whereas 90 percent of Americans who are under age 65 and covered by health insurance currently obtain that insurance through employers. Maybe that is a barrier we want to remove by having a national health care plan which takes some of the burden off employers. I would be in favor of that, certainly.

Whereas 85 percent of the jobs are classified as skilled jobs, and in 1950, only 20 percent were so classified. That is a fact.

Whereas 80 percent of the 50 fastest-growing occupations require education beyond high school. Let us pause there. Is that fact going to lead to a recommendation that we expend more money to improve our education system, that we catch up with some of the nations in the world? Do Members know that the richest nation in Europe now is Ireland? Ireland. Ireland is the richest nation in Europe. In terms of per capita income, Ireland has the highest per capita income. Why, because the Irish decided a couple of decades ago to invest wholeheartedly into a state-of-the-art public school system. Now they have moved beyond that, and they are providing free higher education. So an Irish youngster can develop in the free system right up to the end of his higher education.

So that is a barrier that we would like to remove. So we agree that this is significant, that 80 percent of the 50 fastest-growing occupations require higher education beyond high school, and yet we are shortchanging our education. No Child Left Behind has been shortchanged by $20-some billion over the last few years.

Whereas, despite spending $60 billion per year on training, 60 percent of the United States companies are prevented from upgrading technologically by the low education and technical skills level of their workforce. That is a fact. We can agree with that. Our public school system ought to be doing a better job.

Whereas, in 2002, trial lawyers received approximately $40 billion from litigation, more than the annual revenues of Microsoft and Intel, and twice the revenue of Coca-Cola. What does that have to do with anything? Why did they take a swipe at the trial lawyers in the midst of the whereases? The money received by the trial lawyers was money used to defend ordinary Americans. How about the corporate lawyers? You do not have a whereas about the corporate lawyers, or a whereas about the tremendous amount of corruption in corporate America that the Republican Party refuses to even hold hearings about. Enron, WorldCom, a whole series of criminal activities that have been unveiled by the attorney general of New York State, nobody wants to deal with that corruption. That is a barrier to our success and our competitiveness.

I hope that you will address some of these whereases that I have just mentioned in terms of some answers as to why we do not pursue the obvious, commonsense solutions.

Mr. BOUSTANY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to respond to the gentleman with regard to Ireland. Surely they have improved their public education system. And, furthermore, they have lowered their regulatory burden and cut taxes. I think those two areas are largely responsible for their growing economy and the increased opportunity in Ireland.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, in America, the road to opportunity is a fast-moving highway. Any American with creativity and simply a desire to work hard can achieve their dreams. Anyone can succeed. Anyone can start a business. Our road to opportunity has been an open road.

But unfortunately, our government, sometimes with very noble intentions, is putting up red lights, stoplights and dead ends on the road to opportunity. The heavy burden of needless governmental regulation is slowing down hard-driving Americans, Americans whose diligence and hard work is needed to secure our Nation's economic future.

Let us consider a few numbers for a moment. The regulatory burden on United States businesses is more than $850 billion each and every year. The Small Business Administration says that complying with all of the government's rules and regulations costs small businesses a staggering $7,000 per employee. American taxpayers spend an estimated $250 billion a year every year just trying to comply with the American Federal income tax code. This crippling over-regulation can destroy the entrepreneurial spirit. It is a hidden tax on our businesses and on our citizens.

Simply put, the cost of doing business in America is quickly rising. And make no mistake, our foreign competitors are capitalizing on it. Our trade deficit is now an unbelievable $670 billion and growing. It is time for America to reopen the road to opportunity, and it is imperative that this Congress and this Nation enact a competitiveness agenda.

It is unacceptable that the cost of frivolous litigation now exceeds $230 billion a year. That interpolates to $2,000 for every American household. Our citizens, business owners and entrepreneurs face enough hurdles as it is. Our government does not need to raise new ones. We need to focus on eliminating some of the ones we have.

We must and will make America more competitive in the global marketplace. I know by working together we can do the right thing for the American people, for American business and for America's future.

□ 1130

Let us remove the red lights, remove the stop signs and the dead ends and reopen the road to opportunity.

I urge my colleagues to support this resolution.

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman very much for yielding me this time.

And I must say that never have I seen a resolution that demonstrates so completely the lack of understanding by the other side of what is necessary to maintain and improve America's competitiveness in the world economy.

They go through all of their whereases, but when they get to the therefores, this resolution does nothing, does nothing. They ignore what those people who are on the cutting edge of trying to improve America's competitiveness, those companies that are on the cutting edge of competing in a world economy, their recommendations, one of the first of which is to fully fund No Child Left Behind. They are $40 billion behind the curve. But that is what the American Electronics Association says should be done first and foremost in education.

Improve math and science teaching, you do nothing to improve math and science teaching.

They go on to say support research and development. The permanent, the permanent R&D tax credit, not the year-to-year funding that you provide, but the permanent, so companies can count on this, can make their economic decisions, can make their financial decisions. Improve the business climate, the stock options, which your side failed to provide for. Stop having the raids on the patent and trademark offices of the United States Government to fund the general fund.

The fact of the matter is that this provides nothing, provides nothing that the industries that are on the cutting edge identify as their most important objectives, their most important priorities, and that is to provide for a dramatic and sustained improved investment in education; a dramatic and sustained improvement in the R&D of this country, nondefense related, basic R&D on a permanent basis, something you have not done in 6 years.

And also they recommend, after doubling the National Science Foundation, a sustained effort at doubling the National Science Foundation. You thought it was a one-time target, and now you are cutting. You thought sequencing the human genome was a one-time event. That is the beginning, not the end of the story. That is the beginning, is the doubling of the National Science Foundation, then maintaining it. What we are talking about and what the companies have constantly recommended to us is a sustained effort and investment in education, in innovation, in health care. Universal access to health care, universal access to affordable health care, something not discussed in this resolution, something not done in the 6 years. More people are without health care now than in the 5 years that this administration has been in office.

This resolution so completely misses the mark that we wonder why we would spend an hour of our time on the floor dealing with this when there are such important items. The problem is that the other side of the aisle already voted for a budget that does not make the R&D tax credit permanent, voted for a budget that cuts higher education, voted for a budget that cuts elementary secondary education. A budget that does not even get close to funding No Child Left Behind, as, again, the companies who are out there competing, not the political rhetoric on the floor, but what they have made after years of discussion.

It does not even get close to an immigration policy that allows our universities to continue to attract the highly skilled students that we were before 9/11. That is not working. Those young people now are going to India. They are going to China. They are going to France. They are going to Germany. The are going to England, and they are not coming to the United States because this administration failed to take that action.

Finally, the protection of our intellectual properties. The protection of our intellectual properties is so terribly important. We continue to see them hijacked on a daily basis from the automotive industry, to the film industry, to the music industry, to the computer industry, and the effort has not yet been made.

That is the report on what has happened over the last 4 or 5 years in this country. That is the report of what this Republican-led Congress has done. And what does the Republican-led Congress do? They give us a resolution with a lot of ''whereases,'' a lot of ''whereases.'' No action, just ''whereases.''

Mr. BOUSTANY. Mr. Speaker, I yield 2½ minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Louisiana for yielding me this time.

I welcome the comments from the gentleman from California (Mr. GEORGE MILLER). He talks about a lot of issues that are more important to making America more competitive. We may disagree on the track, but I think it is important that we do move forward with an R&D tax credit that is permanent. I think it is important that we do move forward to protect intellectual property rights. But he does make an additional point, and that it is always easy to be against something instead of for something. If we are going to make progress, we need to work together; so I would welcome him to join the Economic Competitive Caucus because I think together we could find ways to fund technology grants and technology schools. And I would like to point out that we have doubled the funding for the National Science Foundation, and we continue the strong funding of that.

The gentleman from New York (Mr. OWENS) also mentioned a couple of things that I think are important to be addressed in this debate. One is the effect that China is having on our economy, and I think the point was made by the gentleman from New York that regulation is not holding them back. But let me tell the Members what is happening in China. They have focused on technology. They graduated 350,000 engineers last year. They graduated more English-speaking electrical engineers than America did, and they have done that because they want to target certain areas. In Kansas they have targeted several industries: the hand truck industry, the auto lift industry. They are trying to run American businesses out of business so that they can have a corner on the market, and that is why we need to have enforceable trade policy, which is part of this resolution.

The gentleman from California (Mr. GEORGE MILLER) addressed education. That is why education and lifelong learning is part of this resolution.

But let me just tell the Members what China is doing that I think is important to the debate and why I think they should understand why we need to address these issues today instead of putting them off. The regulation barriers that we have are keeping us from doing wonderful things that could help create and start jobs. In China they are trying to create a Silicon Valley. They have set up a top-notch university. They have given venture capital to the area. They have office space available. They have property management for anybody who has a good idea. They have legal advice, patent advice. They even allow professors and students to start businesses on their own.

The way to address that is by changing our system and removing the barriers. The gentleman from New York (Mr. OWENS) mentions the trial lawyers, the $40 billion that came out of our economy for trial lawyers. Just think, if we apply some commonsense reforms, we can make jobs in America. One example is in 1995 when the Statute of Repose was passed, which put commonsense limits on the manufacture of airplanes, and the following year 4,000 jobs were created in Kansas alone, plus additional jobs all across the United States.

All we are saying in this resolution is let us step back from what we are doing today and say if we were going to start this system tomorrow, would we do the same thing? Will it impact jobs? Can we work together to create and keep jobs in America instead of seeing them slide off to other countries?

So I think this is a good resolution, and I would welcome the suggestions from the other side, and I think together we can help bring jobs back to America.

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, when I looked at today's floor

schedule, I was pleasantly surprised to see an item addressing the issue of declining United States competitiveness in the world.

The fact is the issue of competitiveness has not been a priority for Republican leaders in this Congress or in any preceding one in the last 10 years, and I thought perhaps finally the Republicans had woken up. Unfortunately, I was very disappointed when I read the text of the proposal because this plan is nonbinding; it has really nothing that will make the United States more competitive. That is what I have come to expect in this Congress, this Republican-led Congress: more talk and no action. And once again this resolution has failed to propose specific policies that would actually boost technological innovation or our commitment to education.

As many know, I represent Silicon Valley, along with the gentlewoman from California (Ms. ESHOO) and the gentleman from California (Mr. HONDA), the most creative and innovative place on Earth; and if I were to bring your resolution back to the leaders of the Silicon Valley, the engineers, the techies, Ph.D.s, venture capitalists, educators, CEOs, I think I would be laughed all the way back to D.C. I suspect that you did not consult with any of the people in the tech industry because, if you did, we would have had something with a little meat on it that meant something.

We need a sustained commitment to Federal funding of R&D. The 2006 budget proposed by President Bush continues to cut R&D. It underfunds the National Science Foundation by billions of dollars; and the fact is if we do not count weapons research, this administration has sharply reduced federally funded scientific research, and this nonbinding resolution will not do a darn thing to change it.

We need to dramatically improve our math and science education in our country. We know that we are falling short, and meanwhile we are continuing to fail in our funding promises to No Child Left Behind. We need to reform our immigration policies so that the best and brightest students can come and study in the United States and not be poached by universities who are benefiting in Australia and England and elsewhere through our shortsighted and bureaucratic policies; and we need a sustained commitment to science research and education. We cannot afford to sit back and pass nonbinding resolutions that do nothing. We could at least enact the gentlewoman from California's (Ms. ESHOO) bill for stock options.

With an exploding deficit, reduced support for education of Americans, a door shutting on Nobel-level scientists from abroad, no energy policy that will lead to energy independence, this proposal is worse than nothing because the right wing will not take action on competitiveness and will probably say they did something if this stupid and meaningless resolution is permitted to pass.

Republicans are like the guy in court who killed his parents and now pleads for mercy as an orphan. They have controlled the House of Representatives for 10 years. Their policies for the last 10 years have shorted education. They have shorted science. They have eliminated protection for tech innovation. These words do not change those failed policies, and I hope that we turn down this resolution and tell the truth that our policies are threatening the competitiveness of our United States, and this mere meaningless resolution will do nothing, nothing, to solve that.

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

First I want to respond to a few comments made by the opposition here. There is a lot of talk about a nonbinding resolution, but this House today is going to take up four bills to reform OSHA that will help small businesses and their enterprises be more competitive and their employees be more competitive in the global economy. Health care, the gentleman from California (Mr. GEORGE MILLER) brought up health care, and he very well knows that the Committee on Education and the Workforce that he sits on as the ranking member is addressing health care. We recognize that health care is a problem. We recognize that the plight of the uninsured is a problem. And yet I will say as a physician, as someone who has dealt with health care on a daily basis, universal government-run health care is not the answer.

We need to continue to address this problem and support solutions like association health plans, something that we have already taken up in committee and will be coming to the floor soon. This will help get people who are uninsured back on to the rolls of being insured. This will help small businesses provide insurance for those who lack insurance today.

We need to continue to expand health savings accounts. These have already begun to help many Americans, but we need to continue to work on this. This is the future of health care. This is how we are going to create a competitive health care environment that will bring down the cost and make it affordable for all Americans.

And we need medical liability reform. We need medical liability reform. No question about it. And this Congress will address these issues.

So to say this is a nonbinding resolution, surely it makes a statement about some of the needs that we need to work on, but at the same time this Congress is addressing all of those issues; and we ask our colleagues across the aisle to join us to pass these bills so that we can help those Americans in need and we can increase our competitiveness on the global market.

I support this resolution, and I want to thank the gentleman from Texas (Mr. DELAY) and the gentleman from Kansas (Mr. TIAHRT) for their tireless work to remove barriers on U.S. companies, to ensure that America can be competitive in the global economy.

American businessmen and -women are second to none in resourcefulness, entrepreneurial spirit, business ingenuity; and the government should foster, not stifle, these qualities.

I mentioned, as a member of the Committee on Education and the Workforce, that we are going to work on OSHA reform and AHPs. These are commonsense good measures that will improve our competitiveness.

Frivolous lawsuits, costly health insurance, an overly complicated Tax Code, skyrocketing energy costs, compliance with innumerable Federal and State regulations result in small businesses spending more time just trying to comply with government and government laws and regulations than growing their businesses, creating jobs, and generating revenue. Yet because of the entrepreneurial spirit of these Americans and many small businesses that we have out there, they do survive and even thrive despite all these adversities.

□ 1145

Let me talk about my district in southwest Louisiana for a moment, which has been known for its entrepreneurial spirit. Today, it is a spirit that continues to grow our agricultural influence, despite many adversities, and build small businesses that are grabbing the eye of the global market. We have a port, the 11th largest port in the country, the Port of Lake Charles. Once known as a regional provider, it has grown into an economic engine for our State and our Nation. And as it continues to increase in size, it is moving larger numbers of products into the United States and out into the world.

Our economic developers are finding ways to attract businesses that have never before known the advantages of doing business in Louisiana. Let me give an example. Lafayette Economic Development Authority is a prime example of showcasing the educational and technological benefits of Louisiana's Seventh Congressional District to attract companies to our area. Gregg Gothreaux heads up this organization and has strived to capitalize on an outstanding workforce to make Lafayette a competitive force in the business world. In fact, in the year 2004, Inc. Magazine named Lafayette, Louisiana, one of the best places to do business. And 3 months ago, Entrepreneur Magazine named Lafayette one of the top technology centers in the South, based on its appeal and ability to attract high-tech companies.

Another great example from my district is a small business with 15 employees headed up by Rick Broussard, and he has been able to attract the United States Marine Corps with a service by building these drone airplanes. And he is hoping to build his business, employing hopefully in the

near future 100 employees, so that he can improve his competitiveness and raise his revenue and contribute to the competitiveness of our country and our defense initiatives.

He is not an isolated example. There are many examples in Louisiana and around this country that are competing, despite the regulatory burden, the tax burden and other added costs of doing business.

Mr. Speaker, it is our job, it is our job as elected officials to ensure that our businesses have the necessary tools to compete in this global economy, and this Congress will address these issues.

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

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from New York for his leadership in defense of our economy, workers' rights, and our desire to build on an American economy that can provide opportunity for all.

Mr. Speaker, if the Congress were to take up legislation for the purpose of removing barriers to the competitiveness of the U.S. economy, I do not believe, respectfully, it would read like H. Res. 352.

But, it might read something like this: Whereas, U.S. trade with foreign countries is so imbalanced that the U.S. has a trade deficit with every continent in the world except Australia and with nearly every country in the world;

Whereas, before NAFTA, the U.S. exported about an equivalent amount to Mexico as it imported to Mexico. But, after NAFTA, imports from Mexico increased 195 percent, more than double the increase in exports. NAFTA caused a balanced trade scenario with Mexico to become unbalanced, to the disadvantage of the U.S.;

Whereas, exports create jobs; imports destroy jobs. And when imports outpace exports, more jobs are destroyed than created. So while increased exports after NAFTA may have created almost 800,000 jobs, according to the Economic Policy Institute in 2003, increased imports due to NAFTA destroyed almost 1.7 million jobs. Every State in the Nation lost jobs due to NAFTA;

Whereas, Congress will soon be compounding the damage with consideration of CAFTA, which is modeled on NAFTA;

Whereas, China's seemingly endless supply of dollars to acquire IBM, Maytag, and now UNOCAL is supplied by America's huge trade deficit with China. In fact, since Congress agreed to admit China to the WTO, granting it permanent Most Favored Nation status, the U.S. trade deficit with China grew by 50 percent in only 2 years.

Now, if Congress was to take up legislation for the purpose of removing barriers to the competitiveness of the U.S. economy, it might read like this: Whereas, America needs a new trade policy based on the principle that what the U.S. buys from a country should roughly match what it sells to that country;

Whereas, the cost of private, for-profit health care is a serious impediment to competitiveness;

Whereas, the U.S. paid $5,270 per capita for health care in 2002, and two countries with the closest level of spending were Germany at $2,820 and Canada $2,930, both of which provided universal health care;

Whereas, the CEOs of Ford Motor Company of Canada, GM Canada, DaimlerChrysler Canada wrote in a 2002 letter that ''publicly-funded health care thus accounts for a significant portion of Canada's overall labor cost advantage in auto assembly versus the U.S. which in turn has been a significant factor in maintaining and attracting new auto investment to Canada.''

The resolution that we need to hear would say: Whereas, H.R. 676, the U.S. National Health Insurance Act, which has 50 cosponsors, would provide less expensive, high-quality, single-payer health care systems like many U.S. competitors;

Whereas, the current course of U.S. economic and health policy is unsustainable, and a day of reckoning could involve the bursting of the housing price bubble, rise of interest rates, budget austerity and the shredding of the social safety net, mass unemployment, and a loss of economic sovereignty.

Therefore, be it resolved, Congress has once again lost the opportunity to change the course, correct the trade imbalance, lift up living standards in the U.S. and the world, and set the country on a more sustainable economic course. The coming readjustment will be painful indeed while this administration and Congress drive the U.S. economy over a cliff.

Vote ''no'' on H. Res. 352.

Mr. BOUSTANY. Mr. Speaker, I am pleased to yield 1 minute to the distinguished Majority Leader, the gentleman from Texas (Mr. DELAY).

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

Mr. Speaker, the resolution before us represents a promise, a promise by the House of Representatives to the American people that not only are we aware of the hindrances to prosperity now existing in the national economy but that we are committed to removing them as soon as possible.

We are aware that compliance with Federal regulation costs American companies $850 billion a year. We are aware those costs are passed along from American businesses to American consumers in higher prices to the tune of $8,000 per family per year.

We are aware that exports account for one-sixth of our economic growth, and that one in five American factory jobs and one in three American crop acres depend on customers in foreign markets and that many markets are still closed to our goods.

We are aware that 1 million American jobs rely on research and development conducted by private businesses and through our world-class university system.

We are aware that 60 percent of American businesses are impeded in their growth by the lack of advanced training in the workplace. We are also aware that health care is too expensive, coverage too limited, and that small businesses are at a disadvantage in covering their employees.

We are aware that our tax system is unfair and inefficient, and that it costs families and businesses billions of dollars and hours every year.

We are aware that our economy is dangerously dependent on foreign sources of oil, and that it is overrun with frivolous lawsuits that abuse our legal system.

And, starting this week, Mr. Speaker, the House is going to do something about it. We are going to take up major legislation addressing these eight sources of economic friction and tear down these eight walls now surrounding the American dream.

The debate about these eight issues: trade freedom and fairness; bureaucratic red tape; innovation and investment; health care security; lifelong learning; tax relief and simplification; lawsuit abuse reform; and energy independence are over. We all know these impediments to prosperity need reform, and we know what we have to do to reform them.

With this resolution, Mr. Speaker, the House will take a first step toward enacting these needed economic reforms to help small businesses create not just jobs but long-term, rewarding careers for the American people.

Mr. OWENS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, there is really nothing terribly, terribly wrong with this resolution. Talking about a need to invest in greater innovation, research and education, certainly makes sense. The vexing thing for me is this Republican Congress and White House has systematically unfunded almost all of those items. We heard the numbers from my colleagues, and I will not go back over them, except to remind folks of the recent debate we had over the appropriations bills.

Repeatedly, throughout the debate, as Democrats talked about spending more money on a variety of different items, the Republican appropriators said, You know, this is the money we have, this is the best we can do with what we have.

Well, let us look at the decisions that left us in the position where ''this is what we have.'' One of the consequences of those decisions is we do not have enough money to fund the research, education and innovation that is necessary. All of the items that are ticked off, the National Science Foundation, the National Institutes of

Health, No Child Left Behind, we all know what they are. We know how important in the global economy innovation, research, education and skills training is. Yet the programs that fund those vital needs, vital needs particularly for blue-collar, middle-class and lower-class workers, are consistently cut, reduced, not funded like they should be because of the budget decisions of this Congress.

Part of it certainly is the tax cut. That has been the decision of this Congress; supply-side tax cuts for people making a lot of money at the expense of all of these programs we are talking about today. It is incredibly vexing to hear the Republican majority stand up and talk about how much they care about these programs.

At a minimum, I wish they would make a choice, they would say: Supply-side tax cuts for people making a lot of money, that is what we support; that is what we are going to do. That being done, we cannot afford to do these other things, and that is okay. But to stand up today and say that you care about them when you have created a budget environment where they cannot be funded is disingenuous, to say the least. If these are priorities, then let us change the budget. And it is not just tax cuts. We can look at the spending decisions of the last 6 years that have seen massive increases in overall Federal spending while, at the same time, underfunding these critical items.

The budget priorities of the Republican Congress are responsible, and an empty ''Sense of Congress'' resolution is not going to fix that.

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

I would remind the gentleman that these tax cuts have led to an economic growth of 3.8 percent and significant job growth, so I would remind him that these are pro-economic growth policies.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Louisiana for yielding me this time.

The gentleman from Washington (Mr. SMITH) did talk about some issues that I think are very important, especially when he talked about education. I think education is very important for the future of this economy. If we look at education spending over the last 5 years, we have had dramatic increases in education, as far as the spending is concerned.

What we need to do now is focus on math, science, engineering and technology. We know this is the direction the future economy is going. The world is getting more technically complex, not less technically complex. Yet we have fewer people going into engineering. We have fewer young women going into science. We have fewer people going into the technologies, the maths and the sciences. It should be concerning to us, and we need to take steps today. I would welcome their support as to how we do that.

National Science Foundation money, the NSF has come up several times here. We increased the NSF again this year, again. Over $5.6 billion will go into NSF this fiscal year and we have plans to increase that funding in the future, too.

Innovative research is very important. We need help from the other side of the aisle to get research and development tax relief permanent, and I think we can do that. I just want to mention the supply-side tax cut did stimulate the economy. We have more people working today than ever before in the history of our Nation. The average wage is higher than it has ever been in the history of this Nation. We have more people owning their own homes today than ever before in the history of this Nation, and we have done it because we cut taxes. More money got into the economy, and jobs started increasing. But does that mean we should be satisfied? No. We have barriers that need to be removed so that we can increase the number of jobs and the number of opportunities in America in the future.

□ 1200

I think it is important that we work together. I look forward to working with the gentleman from New York (Mr. OWENS) on issues like we addressed with Sarbanes-Oxley, corporate corruption, we had hearings. We had hearings; we had legislation on the floor. We made progress. We passed Sarbanes-Oxley. And now there are white collar criminals in jail today.

Corporate corruption was addressed and needs to be addressed in the future. But certainly we made some movement. But I welcome them. I know we can agree on creating more jobs. I think it is important that we work together to do that.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume. I certainly look forward to working with the gentleman also.

Mr. Speaker, in closing, I would like to just cite a few examples of how Republican policies have shortchanged the initiatives which they talked about today. Instead of having an aggressive policy on math and science education, the Bush administration has underinvested in proven math and science instruction.

Today, China graduates four times as many engineers as the United States. And South Korea, which has one-sixth of the population of the United States, graduates the same number of engineers as the United States. Instead of keeping the Republican promise on education, President Bush has already underfunded No Child Left Behind, his own legislation, his own innovation, he has underfunded by more than $40 billion.

Instead of investing in research and development to keep the U.S. on the cutting edge of technological advancement, Republicans have cut $877 million in Federal science and technology funding. Instead of having a national broadband policy, the Bush administration has allowed access to broadband to lag.

Instead of passing the 21st century bill to increase energy independence through advances in cutting-edge technology, the Republicans have failed to enact any energy bill at all. This resolution before us is a mulligan stew that has been allowed to spoil; it is a spoiled mulligan stew. It is not serious. We have 40 minutes to discuss items which would require really 40 days.

If we were serious, we would have a long discussion of these items before we move on and prepare some real legislation to deal with the shortcomings.

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

Mr. BOUSTANY. Mr. Speaker, I yield the balance of my time to the gentleman from Kansas (Mr. TIAHRT), who has worked so hard to ensure the competitiveness of this country.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Louisiana (Mr. BOUSTANY) for his leadership on the floor today and his help in these very important issues of making America more competitive tomorrow.

Mr. Speaker, you know, when I listened to the debate today, I find that there are areas both Republicans and Democrats can agree on. And there are ways that we can work together to make a more solid economy in the future so that we can retain our number one status in the future instead of falling into a second or third-rate economy.

The danger is out there. We heard talk from the gentleman from Ohio (Mr. KUCINICH) that it is all because of NAFTA. That we have lost all jobs to NAFTA. Yet we have more jobs than ever before in the history of our Nation. We have heard that we do not spend enough money on R&D, that the tax credits are not permanent.

We need your help in making them permanent. We need to make these tax credits permanent. There are eight issues that we have confined the problems that we are facing tomorrow in, and these eight issues are health care, security, bureaucratic red tape termination, lifelong learning, energy self-sufficiency and security, spurring innovation, trade fairness and opportunity, tax relief and simplification, and ending lawsuit abuse.

Today we are going to take a giant step forward in dealing with regulation. The gentleman from Georgia (Mr. NORWOOD) is going to lead the effort to reform OSHA.

And let me just tell you a little bit about why it is important that we take on these agencies and try to change the environment. In the past we have had this adversarial relationship between the government and the private sector. There are fines, there are citations, there are unnanounced intrusions into companies.

Employers are unable to deal with this without high expenses, without high cost, without hiring individuals to take care and track what the increasing regulation burden is.

Today we are going to start with OSHA, and we are going to deal with that today. We are going to try to create an environment where we work together. You know, we could work together. In fact this happened in Wichita, Kansas, where OSHA targeted Sedgwick County, and said we are going to go to the homebuilders and we are going to make it a safe place. They stood off. They took pictures. They fined, they created citations, and the housing industry shut down.

We got the Wichita Builders Association together with OSHA and we said, why do we not work together? Why do you not come in on an announced basis, make a list of the violations, let the company have time to make the safe environment at the work area, and then come back and see how they are doing? Well, they did that. The housing industry went back to work. And they created a safe work environment by working together, working together instead of against each other in an adversarial relationship.

That is what we are talking about in changing the environment in America so that we can create and keep jobs in the future, working together and not against each other. Now, this environment here on the floor of the House is an adversarial environment. But yet we can work together. That is what we are advocating here, the government working with private sector to make more jobs in the future.

Ms. ESHOO. Mr. Speaker, the issue of competition is one that is lived out and dealt with daily in my congressional district, Silicon Valley.

As this resolution states, high-tech industries drive economic growth around the world. Every day my constituents tell me that the United States is falling behind our competitors in Europe and Asia.

This resolution identifies some of the challenges for U.S. competitiveness. But this is not enough. The resolution is not binding. It does not set into motion any legislative action to address the key issues relative to competition.

One of the top issues in Silicon Valley today is stock options. Broad-based employee stock options plans drive innovation and competitiveness.

The House overwhelmingly passed legislation I authored with Rep. BAKER to protect employee stock options almost a year ago, but the Administration has refused to lift a finger to get this bill through the Senate and to the President's desk.

For many, many years the high-tech industry has begged Congress to make the R&D tax credit permanent. It hasn't happened. What has happened is a decline in investment and a diminishment of innovation.

The President has said that the U.S. should have universal broadband access by 2007. We've yet to see the Administration's plan for achieving this. Today the United States has fallen to 16th in broadband penetration, down from 4th in 2001.

This resolution correctly points to education as a critical issue of competitiveness, but once again this Administration and the congressional majority have underfunded critical education programs. No Child Left Behind is funded $39 billion below its promised level. Pell grants will be eliminated for 90,000 college students, and an additional 1.3 million students will have their scholarships reduced this year. These figures do not meet the standards of a great nation serious about her technological and competitive future.

The resolution states that energy is a major problem, yet the Department of Energy's independent analysts have said that the provisions in the House energy bill will have a "negligible" impact on prices, production, consumption, and imports of energy.

The Administration continues to underfund critical Federal research programs, flat-funding civilian research and development and reducing total Federal research by $400 million. This underfunds our collective future.

What is missing in the Congress is the commitment to reshape the critical policies which will renew our Nation's competitiveness in the 21st Century.

Mr. UDALL of Colorado. Mr. Speaker, I am not voting for this resolution, because I think it does not make a constructive contribution to the problems facing our country and the national economy.

The resolution says that trade restrictions and inequality are barriers to keeping and creating jobs in the United States—but it does nothing about them, just as it does nothing to make it easier for Americans looking for work to find good jobs.

The resolution says that bureaucratic red tape is a barrier to economic progress, but it does nothing to reduce that barrier or to require the Bush Administration to exercise leadership in reducing red tape.

The resolution says there is need for more innovation and investment, but it offers nothing substantive to promote innovation or to encourage more productive investment.

The resolution correctly says there is a need to overcome barriers to health care security, but it does nothing to help the millions of Americans who lack health insurance or to make good health care more affordable.

The resolution says we need to promote lifelong learning, but is silent as to how to go about achieving that desirable result.

The resolution mentions taxes and the complexity of the tax laws, but provides no useful suggestions as to how to reduce that complexity or to promote tax fairness.

The resolution complains about "lawsuit abuse" and seems to support "litigation management," but says nothing about the extent to which the courts can protect individual rights and the essential role of law in our society.

And while the resolution correctly says there is a need for greater energy self-sufficiency and security, it does nothing about it. While that actually is an improvement over the energy-policy bill the House passed earlier this year, with its many wrong-headed provisions, it falls far short of what is needed.

In short, this resolution is not serious. It deserves neither the time consumed in debating it nor approval by the House. I will not vote for it.

Mr. MARSHALL. Mr. Speaker, I voted for H. Res. 352 because I agree that there are barriers to keeping and creating jobs within the United States and that Federal agencies ought to review their rules and policies to improve the competitiveness of our economy. But I do not associate myself with the sense of the "Whereas" clauses that America must adopt foreign values and standards in order to compete economically. I also note that the "Whereas" clauses include partisan distortions and falsehoods that are an ill-considered disservice to the cause of American competitiveness.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, House Resolution 352.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 739, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005; H.R. 740, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005; H.R. 741, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005; H.R. 742, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 351

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 740) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission. The bill

shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 4. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 5. (a) In the engrossment of H.R. 739, the Clerk shall—

(1) await the disposition of all the bills contemplated in sections 2–4;

(2) add the respective texts of all the bills contemplated in sections 2–4, as passed by the House, as new matter at the end of H.R. 739;

(3) conform the title of H.R. 739 to reflect the addition to the engrossment of the text of all the bills contemplated in sections 2–4 that have passed the House;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of the bills contemplated in sections 2–4 that have passed the House to the engrossment of H.R. 739, such bills shall be laid on the table.

(c) If H.R. 739 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), the bill contemplated in sections 2–4 that first passes the House shall be treated in the manner specified for H.R. 739 in subsections (a) and (b), and all other bills contemplated in sections 2–4 that have passed the House shall be laid on the table.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

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

The resolution before us is the rule for the consideration of a package of four bills, H.R. 739, 740, 741, and 742. They are pieces of legislation which passed with a significant bipartisan majority in the 108th Congress and are once again being brought to the floor today to help reduce the impact of unduly burdensome regulations for American small businesses and thereby enhancing American competitiveness, and to restore fairness in applying workplace safety regulations to small business.

The rule before us, House Resolution 351, provides for the separate consideration of each of these four bills. Under the rule, each bill will have its own debate time and the opportunity to be thoroughly debated and voted on by this body.

Finally, the rule also provides that at the close of consideration of these measures, the Clerk of the House will be directed to combine the text of each of these bills that do pass the House under this rule as one engrossed bill, and send that bill to our friends on the other side of this Capitol, where they will have a better opportunity this time to be both deliberative and, hopefully, active at the same time.

While this may seem to be a complicated rule, the effect is quite simple. The bills brought up for consideration under this rule will allow small businesses to focus more of their energy on competing in the marketplace, providing their customers with better goods and better services and creating new jobs across America, rather than spending their time paying questionable fines, wrangling with regulators, worrying about the uncertainties created by an inadequate dispute process, created by staffing shortages, or having to pay for lawyers' fees to help fight a just cause with occasionally insensitive, but most often distant, Federal bureaucracy in Washington, D.C.

The gentleman from Ohio (Chairman BOEHNER) and the subcommittee chairman, the gentleman from Georgia (Mr. NORWOOD), as well as the hard work by both Republican and Democratic Members of this committee, are to be commended in bringing a well-balanced small business fairness package to the floor today.

The first of these four bills, 739, which is the Occupational Safety and Health for Small Businesses Day in Court Act, tries to provide flexibility to employers filing responses to OSHA citations.

We currently have a hard and very arbitrary standard of 15 days to respond to an OSHA citation, even though in the 1980s, the Federal Rules of Civil Procedure granted employer relief to file a late notice if there was a mistake, inadvertence, a surprise, or excusable neglect.

This bill simply codifies this commonsense practice. Hard and fast deadlines in instances sometimes work an injustice, but in any case they provide only a safe standard for the bureaucrats, but lack the common sense to help small businesses which were clearly recognized in the Federal Rules on Civil Procedure.

□ 1215

There is no good reason why we should not codify for all what is occasionally given to some and allow for some discretion in granting relief to innocent employers for, as the law says, mistake, inadvertence, surprise or excusable neglect. There should be no controversy over this commonsense bill.

The second bill, H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005, provides for the addition of two additional members to the review commission, and the additional human resources will allow it to complete its work in a timely fashion for the benefit of both employers and employees. For two-thirds of the life span of the review commission's existence, the commission has frequently been paralyzed by vacancies that have resulted in several critical and well-documented inefficiencies and rendered the entire regulatory scheme devised by Congress to resolve OSHA disputes as unworkable. The byproduct of this breakdown delays final adjudication. It harms real business. It hinders real job creation. There is a simple and easy way to resolve this particular problem.

The third bill, H.R. 741, the independent review of OSHA citations, by legislative history and practice, OSHA was designed to be responsible for rulemaking, enforcement and adjudication. But Congress also established a review commission. Its intention was to give an independent review of OSHA functions as a check on prosecutorial excesses by OSHA.

A 1984 court decision extended the concept of administrative deference to the agency and subsequent court decision which have been conflicting, have compounded the problem, and conflicted the process of checks and balances Congress intended. This bill simply restores responsible checks and balances to the current system by making it clear that it is the commission's legal interpretation that should be given proper judicial deference.

Finally, Mr. Speaker, the fourth bill, H.R. 742, deals with small employers' access to justice. This simply provides for a small employer to have payment of attorney fees when that small employer prevails in litigation that was prompted by the issuance of a citation by OSHA. The legislation is simple in its rationale: Small business people should not be intimidated into blindly following mandates because they do not think they can afford to fight a case in court in which they would otherwise prevail. This levels the playing

field so that small businessmen and businesswomen have an equal chance with powerful government bureaucracies that have virtually unlimited legal resources of the Federal Government behind them. This bill helps the mom-and-pop businesses to be able to have the courage to speak up for themselves when they are right.

Small businesses still provide a majority of the jobs in this country, and they feel the economic pressure brought by government regulations and taxes every day. It is only fair that through these four bills in these very specific areas that we take care to remove any economic incentives for the fostering of an insensitive Federal regulatory bureaucracy.

Mr. Speaker, these are four commonsense good bills which, once again, enjoyed a bipartisan majority of Members' support in the 108th Congress.

Our country has had 35 years of experience with OSHA. As documented in testimony before the House Committee on Education and the Workforce, modest improvements are needed to restore balance to the regulatory scheme through these bills as they relate to small business. Last year, the Office of Management and Budget reported to the Congress the annual cost of major Federal regulations for the decade from 1992 to 2002 was somewhere between $38 and $44 billion which means that, for every dollar we spend for regulation, we also as a government spend $1.50 for compliance costs and the private sector spends $45 in compliance costs.

The over-regulation of business puts us at a competitive disadvantage with the rest of the world, places unlimited, unnecessary limits on our economy and harms the consumer.

I am proud the congressional leadership is continuing to look at ways to pare back the overwhelming growth in regulation and bureaucracy, and I urge my colleagues to support the rule for these four bills to keep American businesses competitive in a global marketplace, to keep jobs here in America. I urge my colleagues to support this rule and the underlying bills.

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

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

Mr. Speaker, I thank the gentleman from Utah (Mr. BISHOP) for the time.

Mr. Speaker, I rise today in strong opposition to this closed rule and all four of the underlying pieces of legislation that it encompasses. For those who did not hear me the first time, I said four pieces of legislation under one closed rule.

This is a quadruple coupon day in the House of Representatives, Mr. Speaker. Four opportunities to shut off democracy for the price of one. What is perhaps most offensive about the rule is the fact that not one amendment was made in order for any of the four bills. Let me repeat that: Not one amendment was made in order for any of the four underlying bills.

Closed rules are an affront to our democracy. We should stop it now. My outrage and the outrage of all on this side of the aisle is as much about process as it is about policy. Pure partisan politics never produces sound public policy. And patronizing corporate interests to pad one's campaign coffers has no place in the people's House. Yet, that is all the majority seems interested in doing.

The political score Republicans are seeking to settle with their barrage of anti-working-class legislation is not going to be fulfilled by stifling debate and blocking Democrats out of the process. Republicans are calling this the OSHA fairness package. Fair for who? There are only losers with these bills, Mr. Speaker, and the biggest victim is the American worker. All four of the underlying pieces of legislation represent a buffet of rollbacks in our laws governing working conditions.

Mr. Speaker, do we have an overwhelming epidemic in this country of ridiculous and overzealous workplace lawsuits that I do not know about? The judicial process for violations and workplace health and safety standards has been in place for nearly 30 years. It is fair, and most importantly, it protects the rights of workers. Yet, two of the underlying bills affecting OSHA standards are coming as a direct result of recent court rulings that Republicans and their corporate friends do not agree with. The other two are aimed at stacking the OSHA commission with anti-worker commissioners and creating a system where only those who can afford legal representation will be permitted to file a complaint with the Workplace Safety and Health Board.

Mr. Speaker, I do not like the new policy of this Congress which can best be described as ''when the courts rule against you, legislate against the courts.''

Why are we stifling Members from offering thoughtful amendments? Just one example, if I may. The ranking Democrat on the Committee on Education and the Workforce, my good friend, the gentleman from California (Mr. GEORGE MILLER), a man who served in this body for 30 years and is known throughout the country as a champion for working-class Americans, Republicans denied him the opportunity to offer a substitute to one of the underlying bills that came out of his committee.

Had the majority made the Miller substitute in order, the House could have done something today that would have actually benefited working-class Americans. We could have had a real debate about increasing the minimum wage to a meager $7.25 an hour.

Realize, this is an amount that while above the current level of $5.15 is significantly below the much needed living wage that is needed to pull someone making the minimum wage 40 hours a week above the poverty line. In blocking the gentleman from California (Mr. GEORGE MILLER) from offering his amendment, Republicans are again proving that they are anything but the people's party. Perhaps the majority is blocking what it knows it cannot defeat, or better yet, perhaps the majority is just protecting its members from taking a vote that will show their true colors. Shame on them and shame on this body if it allows this assault on American workers to continue. None of us in this body would want to live on $5.15 an hour. None of us would want to work three jobs just to make ends meet. None of us would want to work three jobs and still have no health care. Yet, that is what we are asking, no, requiring millions of our fellow citizens to do.

When the opportunity to increase the minimum wage presents itself, Republicans blocked House Members from voting on it. At least in the other body, while the leadership opposed an increase in the minimum wage, they at least permitted a vote. Protecting the rights of those most in need is the cornerstone of our great democracy. I refuse to remain silent while those on the other side of the aisle seek to dismiss this cardinal American value.

I urge my colleagues to reject the closed rule and oppose the underlying pieces of legislation.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am appreciative of being able to talk about the four bills dealing with regulatory reform, all of which have had full debate in the committee this year, as well as full debate in the committee last year. And the Committee on Rules did approve every amendment that was germane. Unfortunately, of the three amendments that were present, none of them were germane to the topic of regulatory reform.

Mr. Speaker, I yield 7 minutes to the gentleman from Georgia (Mr. NORWOOD), the subcommittee chairman, to address this rule.

Mr. NORWOOD. Mr. Speaker, I cannot help but add or repeat so our Members know, the amendments that were not accepted from the Democrats had nothing to do with these bills. They were simply not germane, and I know that upsets them, but those are the rules of House.

Mr. Speaker, I rise in support of this rule which provides the House an opportunity today to address four very important bills. These measures in my view are very modest reforms. They have been narrowly drafted to make needed changes in our law, actually for about 34 years, while avoiding the possibility of any reduction in the current levels of workplace protections.

Now, I believe that our committee, at least most of our committee, believes that. As such, a structured rule providing for consideration of these four

measures on their merits in my view is entirely appropriate.

As I will detail later in the debate on these bills, we need to implement these changes because small employers ought to be devoting more of their time and attention to creating new jobs and less on dealing with government lawyers intent on manipulating legal technicalities. And that, in fact, is going on. With that, I will briefly summarize each of these bills for my colleagues.

The first measure for consideration under this rule is H.R. 739, the Occupational Safety and Health Small Business Day in Court. In almost every other court in this Nation, a party that acts in good faith but nonetheless misses a lead deadline that results in a legal default can ask the court to have the case heard on its merits. Currently, there is doubt over whether the Occupational Safety and Health Review Commission, the agency specifically and importantly created by Congress to hear each legal dispute between an employer and OSHA, has the statutory flexibility to grant this type of relief.

All H.R. 739 does is to provide flexibility that almost every other court in the Nation exercises. We use identical terminology to that used in the Federal Rules of Civil Procedure, Rule 60(b), a rule used by nearly every other court in the Nation.

The second bill provided for under the rule is H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2004. Under current law, two members of a three-member panel are needed to constitute a quorum. For 20 percent of its existence, this agency has lacked even a quorum of two. OSHRC has had a full complement of members seated and active for only about one-third of its history. That does not work. That does not work for anybody.

Even now, the commission can be paralyzed only with two members if there is not complete agreement as to all points. To remedy the situation, H.R. 740 proposes, increases the membership of OSHRC from three members to five. This change is modeled on other government agencies and, in particular, the Federal Mine Safety and Health Review Commission.

H.R. 740 also incorporates a new provision that permits the President to invite an incumbent member of OSHRC whose term has expired to hold over until a replacement can be confirmed by the Senate.

□ 1230

Now, this just makes sense if you want OSHRC to work, and I do. There are some cases that have been over there for 8 years, for pity's sake.

Now, my friends on the other side may say, oh, all they are trying to do is to pack the commission because there is a Republican President. Well, these commissioners do not serve for life. You will have an opportunity sometime in the future maybe to put your own commissioner on there, but we need to get these things resolved. This will solve that.

The next measure to be considered under the rule is H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act of 2005. This one is important, in my view. H.R. 741 simply reinstates congressional intent, and we will say that over and over in the next 4 hours, because an activist judge changed the law of 1971.

The legislative history of the OSH Act clearly indicates that back in 1970 Congress realized that in granting extraordinary and unprecedented authority to OSHA, the agency would need some mechanism to make sure that the authority was not abused. If you study the history on this a little bit, Senator Javitz noted the future of the OSH Act depended on this compromise that created an independent review at the time it was passed, with a Democratic House and a Democratic Senate and a Republican President.

This bill never would have passed had not this review been put in there. H.R. 741 simply restores congressional intent by ensuring that this review is, in fact, an independent one and not dictated by OSHA.

The last measure considered under the rule is H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act. This measure simply levels the playing field for small employers by encouraging OSHA to better assess the merits of the case before bringing the full force and power of government litigation against small businesses.

To empower small business employers to seek their day in court, H.R. 742 simply provides that if OSH loses, very small employers can recover their attorneys' fees and costs. This remedial measure is important because it has become crystal clear that failings in current law prevent almost any recovery of attorneys' fees in the OSHA environment. I think there has been one and a half a year for the last 24 years.

Mr. Speaker, the rule under consideration provides for ample debate on each of these measures. I urge my colleagues on both sides of the aisle to support both this rule and each of the bills we will consider under it.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California (Mr. GEORGE MILLER), a champion of worker rights.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, for his leadership on the Committee on Rules, and for being such a stalwart on behalf of worker protections.

Mr. Speaker, I urge Members to defeat the previous question on the rule and allow this body to have an up-or-down vote on an increase in the minimum wage. By refusing to take up this bill over the past 9 years, the leadership of the House must take responsibility for what effectively is a repeal of the national minimum wage.

American workers are long overdue a raise. Real wages are declining for the first time in more than a decade, while prices of health care, gasoline, and other necessities are rising, making it even more urgent that we raise the minimum wage now. The minimum wage has been stuck at $5.15 an hour since 1997. That is $5.15 an hour since 1997, and that is what this Congress has done to the American worker.

Every American deserves a decent wage for the work they do, and most Americans agree that we should raise the minimum wage. They see it as a matter of fairness for their fellow workers. Unfortunately, the Republican Congress disagrees, and the Republican Congress disrespects workers and violates the will of the people when it refuses to increase the minimum wage. We ought to respect workers by guaranteeing them a fair wage. Work should be the path out of poverty, but millions of Americans work full time every day all year long and still live at poverty because they work at the Federal minimum wage.

The failure of Congress has pushed millions of America's most vulnerable workers into poverty or near poverty. The Fair Minimum Wage Act of 2005 we present today as an alternative to these bills which roll back health and safety protections would in fact raise the minimum wage to $7.25 an hour in three steps, $5.85, 60 days after enactment of the bill; $6.55 one year later; and $7.25 one year after that.

This would reverse the trend we now see where the number of Americans in poverty has increased by 4.3 million since President Bush took office. Nearly 36 million people live in poverty, including 1 million children.

A recent report by the Center of Economic Policy Research shows that most minimum wage workers make a significant contribution to total family income. Half of them are between the ages of 25 and 54. Many workers find themselves trapped in minimum wage jobs; more than one-third of 25-to-50-year-old workers in minimum wage jobs are still earning a minimum wage after 3 years.

Another report from the Children's Defense Fund finds that the annual income of a single parent working full time at minimum wage covers only 40 percent of the estimated cost of raising two children; 7½ million workers will directly benefit from minimum wage increases. More than 84 percent of those workers are 20 years old or older, 45 percent are married or have children, 60 percent work full time, 59 percent are white, 13 percent are black, and 23 percent are Hispanic, with 57 percent women and 94 percent, of course, not protected by union representation.

In the past 8 years, Members of Congress have had a COLA seven times. In those same 8 years, minimum wage workers have not gotten a single raise. They continue to earn $10,700 a year for working all year, all day long.

Mr. Speaker, we should vote against the previous question so that we will have an opportunity to offer this up-or-down vote on the minimum wage, one that is sorely overdue and one that has been kept from the American public, despite its overwhelming support by the Republican leadership of this Congress.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume to note that, though I appreciate the very articulate remarks of the gentleman from California about the issue at hand, which is a significant issue we should somehow debate, I remind him that we are talking here about reform of a regulatory process of OSHA. The gentleman's comments are not germane to this particular bill. There will be a point in time for that discussion, but we should not cloud what this bill is actually doing.

Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. DAVIS) to hopefully clarify this.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in strong support of this rule and the underlying legislation. I want to take this opportunity to thank my colleague, the gentleman from Georgia (Mr. NORWOOD), for 10 years of leadership in this body on a very critical and important issue.

The opposition today just simply neglects the reality that these bills do not affect safety at all. Rather, they will improve the climate of business, and they will improve the opportunity for safety because all small business owners know that good safety makes good business, and safety is not what this is about.

OSHA was founded to establish a common guideline to improve safety and, hence, to improve competitiveness nationally. But it has mutated into an organization that is seen in the business community, frankly, with fear, as one that comes with retribution, of uncertainty and subjectivity in enforcement. Each piece of legislation being considered today makes commonsense and practical reforms to the Occupation Safety and Health Administration and to the Occupational Safety and Health Review Commission to restore original intent of the act from 34 years ago. Moreover, it will restore the context and the spirit of the original intent of the law.

Mr. Speaker, I have spent most of my professional life in manufacturing, working with small manufacturers who were competing in the global economy and dealing with compliance issues. I have seen this lost original intent firsthand. What was intended to provide that commonsense standard is now a confusing mass of regulations that create cost, that cost us jobs, and that damage competitiveness without affecting one aspect of safety. Indeed, 50 percent of the regulations that OSHA can shut down a business with have nothing to do with safety, but paperwork compliance.

I have watched subjectivity and enforcement where one of my clients, who had never had a lost day for a safety violation, was violated repeatedly because this perfect facility had railings that were 34'' instead of 36'' tall all around their machining center, costing them tens of thousands of dollars in legal fees.

Another client, who had over 100 identified safety violations that I personally noted in my report to their corporate parent, was never violated because of personal relationships and subjectivity in that particular locale. This is a travesty and misses the entire point because the workers in the one location were adversely affected by a lack of context and enforcement.

Ironically, the fiercest opponents of this small business-friendly agenda have never created a job, have never met a payroll, and have never sacrificed personally to ensure their employees have had their benefits and had their salaries. I have done that, the gentleman from Georgia (Mr. NORWOOD) has done that, and those who are supporting this legislation in many cases have themselves.

OSHA serves an important function, but I remember one thing one of my supporters, Riley, said, who started a business from scratch and has the great loyalty of hundreds of his employees in his small business: he believes that nobody should run a Federal regulatory agency or even serve in Federal elected office unless they have created one job, because it changes your world view and your outlook regardless of party.

OSHA was created to protect the safety of the workforce and not to strangle small business. This legislation represents four commonsense solutions for fine-tuning OSHA to improve protection for our workers, while reducing unnecessary burdens on small business.

H.R. 739 allows the review commission to waive the hard 15-day rule appeals deadline for cause. As my colleague previously mentioned, it removes ambiguities in the current law and brings context to specific situations so that there can be a climate of dialogue and compliance. Most small businesses cannot afford to maintain in-house compliance professionals, and an OSHA citation can be intimidating and confusing, regularly causing small businesses to miss that 15-day window inadvertently. This resolution simply permits a waiver for demonstrated causes or mistake.

H.R. 740 increases the number of commissioners on the review commission, not to stack the deck, but to allow the backlog of cases to be able to be removed so these businesses can get back to creating jobs, generating growth in our economy, and ultimately providing a future for the generation following behind us.

Currently, there are citations on appeal that have been unresolved for 8 years. We cannot compete in a climate like this. Stalemate serves no one.

H.R. 741 clarifies the original congressional intent by affirmatively declaring that a review court must defer to the review commission. This brings it back into original statutory compliance and original intent. The review commission was designed to be the independent arbiter or judge. OSHA, on the other hand, serves as the prosecutor. Deference by a reviewing court should be given to the independent arbiter, not to the prosecutor.

Finally, H.R. 742 allows a small business to recover its legal costs if it wins. Under current law, a small business is often faced with simply paying the penalty because it is cheaper than fighting. Too often our small businesses suffer devastating financial losses just to prove they are innocent.

In the case I mentioned previously that had no safety violations, or no loss time for safety violations but was violated on silly paperwork compliance, there were jobs lost, or actually not created, more correctly, because of those tens of thousands of dollars spent paying attorneys instead of paying working families.

As a former small business owner, I know the important impact of this legislation, what it will have on our small businesses, on the safety of their employees, and on the generating of additional hopeful jobs for working families.

I urge all my colleagues, Mr. Speaker, to vote in favor of this rule and to support this critical underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, as an original cosponsor of the Fair Minimum Wage Act of 2005, I urge the Members to defeat the previous question on the rule and to allow a vote on raising the minimum wage.

Raising the minimum wage is a very important matter for working families in America. The four bills we will have before us today are packaged and they are designed to try to trivialize one aspect of the government's relationship with working families: their safety. We want to trivialize workers it seems, and working families in every way possible. In fact, the gentleman just before said unless you have created a job, you do not deserve the right to speak on policy. Only those who have created jobs. Well, one might take the attitude that unless you have fought in combat on the front lines in America, you do not deserve to make policy.

Working families provide the soldiers who defend this Nation. In all the wars, 90 percent of the people who die are from working families. In Iraq, the people on the front lines are from working families. Working families deserve the protection of their government on the job through OSHA and any other device we can use.

□ 1245

They also deserve an increase in the minimum wage. Let us take a look at

the scandal of the minimum wage. Let us stop for a moment and consider the fact that Members of Congress have had several increases in their wages in the past 8 years. Members of Congress will have raised their own pay seven times by $28,500. Let me repeat, in the past 8 years, Members of Congress have raised their own pay seven times by $28,500. In those same 8 years, minimum-wage workers have not increased their wage by a single penny. They continue to earn $10,700 a year, $5.15 an hour.

All we are saying is, please, Members of Congress who have gotten a $28,500 raise in the last 8 years, let us all together sponsor a very moderate, conservative bill, it is far too conservative for me, but where we would raise minimum wage to $7.25 an hour in three steps. Our bill only proposes that we raise it to $5.85 an hour 60 days after the enactment of the legislation. We raise it to $6.05, 1 year later, and 1 year after that, we raise it to $7.25. That is what we are proposing. Who can disagree with that?

Today, the real value of minimum wage is more than $3 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would need to be more than $8.50 today. I strongly urge that we consider this amendment. Working families in America deserve some of the fruits of the Nation's prosperity. They deserve to have their government not only call upon them to defend the country in times of war and to die, they deserve to have their government look out for their interests all of the time. Giving them a way to earn a living is a good beginning.

The neglect that we have experienced on the battlefield of Iraq with combat soldiers not being properly outfitted is a reflection of the way we feel about working families. Working families deserve our attention. I urge Members to defeat the previous question.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, I have enjoyed the articulate and emotional discussion that has gone forward on this rule so far. Eventually, we may actually have a bill that meets the debate.

I would remind my colleagues that these four packages are how we help small business negotiate through the stream of Federal regulation.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Chairman BOEHNER) to once again reemphasize that point.

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

Mr. Speaker, we are here today to discuss four important bills that make modest reforms to the Occupational Safety and Health Act. These bills will help enhance business competitiveness, encourage further job creation, but most importantly, they will help improve worker safety by promoting a cooperative climate between employers and OSHA that focuses on results.

Last week, the Department of Labor reported that more than 3.7 million new jobs have been created since May of 2003, marking the 25th consecutive month of sustained job creation. But we want to make sure that onerous government regulations do not hamstring small businesses' ability to hire new workers and compete in our economy. That is why these bills are important, and that is why they are on the floor today.

OSHA regulations are amongst the most complex and difficult legal requirements imposed on employers today. For many employers, especially smaller employers, compliance with OSHA regulations is a challenge even with help from experts. Many smaller work sites could make significant progress in reducing injuries and illnesses if OSHA would just lend them a helping hand through cooperative partnerships. These voluntary partnerships take nothing away from strong enforcement. They supplement traditional enforcement programs to help achieve the best results.

These four bills remove the arbitrary and unintentional legal traps in current OSHA law that help hamstring better trust and voluntary cooperation between the agency and employers. While fairly modest in substance, these reforms are important to small business owners who struggle every day to comply with complex OSHA laws and provide a safe working environment for their workers while facing an increasingly competitive worldwide economy.

Employers who make good-faith efforts to comply with OSHA standards deserve to be treated fairly and have their day in court. These commonsense bills will help ensure they receive that opportunity. These commonsense bills passed the House last year with bipartisan support, and they deserve every Members' support today. The rule before us is a fair rule, and I urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I kind of question whether a closed rule is fair, but I hear the chairman.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, 38 years ago, I was a single working mother with three small children. They were 1, 3 and 5 years old. I was receiving no child support, earning minimum wage. Even though I was employed, I was earning so little I needed welfare to provide my children with the child care, the health care, and the food that was necessary to keep us going. Even though I was educated, I had good job skills, I still was not earning enough to fully support my family. My story bears repeating because too many families today are in the absolute same predicament I was 38 years ago.

If this Congress is truly serious about reducing dependence on welfare, let us increase the minimum wage, let us pay working parents enough to support their families and take care of themselves. Otherwise, taxpayers who pay for welfare are subsidizing employers who do not pay a livable wage.

The minimum wage has not kept up with the increase in the cost of living. Workers these days can put in a full day, 40 hours a week at minimum wage and still live below the poverty level. The majority leadership in this Congress want to kick single moms and their families off welfare, and they want to cut $10 billion out of Medicaid to reduce health benefits for low-income families.

A minimum wage increase is also a matter of basic fairness for millions of working Americans. It is not as if businesses are not doing well. Private business productivity has and is increasing. Profits are up, but wages are stagnant. What is wrong with this picture? Is it not time to let American workers share in the fruits of their labor?

President Bush and his allies say they support traditional American family values. Well, let us return to the traditional family value of paying an honest wage for an honest day's work by raising the minimum wage. If they, the Republicans, believe their own rhetoric, they would have allowed this discussion as part of this bill.

Vote ''no'' so we can discuss minimum wage and an opportunity for everybody in the House to say their piece. Vote ''no'' for the four bills included under this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the gentleman for yielding me this time opposing this rule.

I would like to express my disappointment that the Committee on Rules refused to allow a vote on an amendment that has bipartisan support, an amendment that would require to list contract workers on their injury site log.

This was not a major expense or an inconvenience for employers, yet the Committee on Rules defeated it on a party-line vote.

The bills that are up today are not major legislation. They may correct individual problems, and each of them need to be debated, and they should be. But not to allow other needed OSHA reforms is a travesty of this House because of the situation I am getting ready to talk about. Our amendment was defeated on a party-line vote, even though we have bipartisan support on the original legislation that was introduced in March of this year.

Mr. Speaker, 15 people lost their lives during an explosion and fire at a refinery in Texas City. This is a picture of the site, and I include for the RECORD a copy of the Baytown Sun article on the

deadly accident. This picture shows the site in Texas City.

The bills that are allowed under this rule will do nothing to help the 15 people killed in this accident. Nothing. That is what the travesty is on this floor today.

A series of news articles quickly discovered that it is extremely difficult to assess the safety of such facilities due to the way employers are required to keep their site logs of injuries on the work site. While all deaths and injuries are reported to OSHA, only those involving direct employees of the site-controlling company are required to be maintained on the site incident log. This means that the incidents involving contract workers or part-time workers do not show up on the injury log employers are required to keep by law. Unfortunately, because current law does not require them to do so, the site log will look just the same as it did the day before March 23. It will show no lives were lost.

Those 15 workers who died on this site were contract workers, and they should be reported. Residents and communities surrounding these facilities have a right to know if they live near a place that could endanger them if something were to go wrong. If we had full disclosure of these incidents, the free market system may be able to work. Workers are less willing to work in hazardous environments, so facilities would have incentives to improve safety. Right now, it is nearly impossible to determine exactly how many accidents have occurred at a particular site without cross-referencing contracts between employers and contractors.

OSHA has known these reporting requirements were a problem for 14 years, and yet here we are today dealing with three pieces of legislation that deal with nothing to do with contract workers.

In 1989, one of the most serious plant explosions in our country occurred at a plant in Pasadena, Texas, and I am honored to represent that area. This accident killed 23 workers and injured 232 others. As a result, OSHA called for a study regarding the use of contract labor in the petrochemical industry. This study was conducted while the first George Bush was President, and this study found there was a lack of adequate injury and incident data. It states that current data reporting procedures do not capture the full range of injury or illnesses experienced in the industry because the injury statistics do not include the experience of contract workers.

This amendment does not require an industry to do anything more than record injuries and accidents on their site log regardless of whether they are their employee or someone working on their site. I am not here to bash employers or OSHA. The bottom line is that neighbors and employees have the right to know. These bills that we are considering today may very well weaken job safety, but I do not think they are that major. We should be working on a bipartisan basis to solve problems and prevent deaths and injuries like what happened on March 23, 2005, in Texas City, Texas. That is why these three bills are woefully inadequate to deal with the problems that we have with on-site job injuries right now.

[From the Baytown Sun, June 29, 2005]

ALARMS, INSTRUMENTATION FAILED IN BP REFINERY BLAST

(By Pam Easton)

NASSAU BAY.—Key pieces of instrumentation and alarms at BP's Texas City refinery weren't working properly in March when explosions rocked the plant, killing 15 and injuring more than 170, federal investigators said Tuesday.

Don Holmstrom, lead investigator with U.S. Chemical Safety and Hazard Investigation Board, said an alarm within the isomerization unit—where the explosion occurred—didn't work properly until after the explosions had begun.

Holmstrom also said a sensor in a section of the raffinate splitter, which separates chemicals for gasoline production, indicated the liquid level in the tower was decreasing when it was instead flooding. Another alarm that should have sounded when the liquid exceeded 10 feet high didn't activate, ''even as the liquid flooded more than 12 times that height,'' Holmstrom said.

Among the 15 people killed in the March 23 explosion, seven were from Baytown or surrounding communities.

They were: Jimmy Hunnings, 58, of Baytown; Morris Raymond ''Monk'' King, 57 of Baytown; Susan Duhan Taylor, 33, of Baytown; Ralph Herrera Jr. 27, of Baytown; Larry Linsenbardt, 58 of Mont Belvieu; Ryan Rodriguez, 28, of Dayton; and Lorena ''Lori'' Cruz, 32 of La Porte.

BP spokesman Ronnie Chappell said the federal safety board's findings are similar to the company's own investigation completed in May.

The company blamed staff errors for the March 23 explosion and fire. Among the procedural lapses company executives cited were a lack of supervision and a six-minute window in which unit supervisors could have sounded an alarm to evacuate the area, but didn't.

''If personnel responsible for the safe start-up of the isom unit had followed procedures, the fire and explosion would not have occurred,'' Chappell said Tuesday.

An alarm notified operators of a liquid level that was too high in the raffinate splitter at 3:05 a.m. on March 23, company records show. An operator silenced the alarm, but an illuminated warning remained on screens and the alarm remained in effect until 1:20 p.m., the time of the blast, Holmstrom said.

Meanwhile, liquid-level indicators drifted down from 100 percent to 79 percent beginning at 7:30 a.m., and ''erroneously indicated to operators that the liquid level in the tower was below 10 feet and was falling back toward a normal value.''

However, the 164-foot tower was instead flooded with liquid that reached 120 feet or more, Holmstrom said. A normal level is below 10 feet.

When the excess liquid and vapor was discharged, it overwhelmed one of the unit's systems, causing the vapor and liquid to be released and ignited by a still-unknown source.

Holmstrom said federal investigators will spend the next four to six weeks testing at least 30 instruments and other equipment in the isomerization unit, which boosts the octane level in gasoline. Federal investigators have also asked BP for equipment maintenance records. Chappell said BP was cooperating.

Holmstrom said it is ''unprecedented'' for his investigators to spend so much time looking into equipment, instrumentation and their possible failures.

''Our objective is to understand why this tragedy occurred, and, we hope, to prevent similar occurrences in the future,'' he said.

The board will hold a public meeting to discuss complete findings of the federal probe this fall, Holmstrom added.

Chappell said BP and federal investigators have the same goal.

''We want to ascertain exactly what occurred and take action to prevent something like this from ever happening again,'' he said.

The blast was the plant's third accident in a year, following a March 2004 explosion that caused an evacuation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I join my colleagues in rising in the defense of America's working poor. Instead of weakening workplace safety and not doing this today as the majority intends to do, we ought to be strengthening the American family by raising the minimum wage.

Mr. Speaker, I include for the RECORD a report by the nonpartisan Congressional Research Service which shows that minimum wage will be at the lowest value as a percentage of poverty in nearly half a century.

Mr. Speaker, it has been 8 years since Congress has increased the minimum wage. In those 8 years, Members of Congress have raised their own pay seven times by $28,500.

□ 1300

In those same 8 years, minimum wage workers have not gotten a single raise. They continue to earn $10,700. We have given raises to Federal employees. We have given tax cuts to the extremely wealthy. We have given tax breaks to oil and a host of other big industries. But we have ignored the needs and the plight of America's working poor. This study proves it, and it is time to change it. The current minimum wage fails to provide enough income to enable minimum workers to afford adequate housing in any area of this country. It is inexcusable that today in America nearly one-fifth of children go to bed hungry at night while their parents work full time at minimum wage. Whether one is a Democrat or a Republican, ending child poverty should be central to our domestic agenda. Nearly 3½ million children have parents who would get an immediate raise if Congress increased the minimum wage.

Hard work is an American value. We teach our children the importance of work and encourage them to do well in

school to achieve a job that rewards it. Despite this, 36 million working Americans live in poverty. Poverty and wage volatility have doubled for full-time, full-year workers since the 1970s. Since President Bush took office, the cost of housing has gone up 33 percent, college tuition has gone up 35 percent, and health insurance has gone up 59 percent. But the working poor have not seen one thin dime.

Leave No Child Behind is a cruel joke. America's future depends on strong families, and if Members believe in values of families, as some say they do, then they would vote this rule down. Every day we prolong raising the minimum wage, we ask families and children to do more with less. It is a bankrupt policy. Instead of rolling back workplace protections or fooling around the edges with that, we should be increasing the minimum wage.

I urge my colleagues to vote against this misguided rule and move on something more important, which is reinvesting in America's people.

JULY 5, 2005.

Hon. JIM MCDERMOTT,
House of Representatives,
Washington, DC.

MEMORANDUM: HISTORICAL RELATIONSHIP BETWEEN THE MINIMUM WAGE AND POVERTY, 1959 TO 2005

This memorandum is in response to your request about the historical relationship been the federal minimum wage and poverty from 1959 to 2005. In particular, you were interested in the annual income a full-time, full-year worker earning the minimum wage would earn relative to the poverty level for a family of three.

Table 1 shows the effective annual minimum wage from 1959 through 2005 for a full-time full-year worker, relative to the poverty level for a three-person family. The table shows when statutory changes to the federal minimum wage became effective. Average effective minimum wage rates for the year were calculated based on the pro-rated average of effective wage rates over the course of the year. For example, in 1997, the minimum wage was $4.75 per hour for the first eight months of the year (January through August), and $5.15 per hour for the last four months of the year (September through December). The average effective minimum wage for the year is thus: (($4.75 x 8) + ($5.15 x 4))/12, or $4.8833 per hour. Here, full-time full-year work is assumed to amount to 2,080 hours of work per year (40 hours per week x 52 weeks).

The poverty income level used here is the U.S. Census Bureau's average weighted poverty thresholds for a family of three. The earliest year for which official Census Bureau poverty income thresholds are available is 1959. Census Bureau poverty thresholds vary by family size and composition (e.g., the poverty threshold for a family differs by the number of children in the family). The average weighted thresholds reflect the average of the individual thresholds for a given family size by the observed distribution of families of varying composition in the population, as measured by the Census Bureau's Current Population Survey (CPS). Each year the Census Bureau updates the individual poverty thresholds to reflect changes in prices, and the average weighted thresholds, to reflect changes in the composition of the population for families of each size. The estimate for 2004 is based on the Census Bureau's preliminary average weighted poverty thresholds, which reflect price changes for 2004, but reflect the population weighting from 2003, as opposed to 2004. The final average weighted poverty thresholds for 2004, scheduled for release this fall, may differ by a few dollars from those shown here. The projected poverty thresholds for 2005 are based on the 2004 preliminary weighted poverty thresholds adjusted for average price inflation from January 2005 to May 2005, compared to the same period in 2004, which amounted to a 3.1 percent increase in the projected 2005 poverty thresholds, compared to the 2004 preliminary poverty thresholds. The Census Bureau will issue preliminary poverty thresholds for 2005 in January 2006, when price changes for the 2005 calendar year will be available. Final weighted poverty thresholds for 2005 won't be available until the fall of 2006.

Figure 1 depicts the basic trends shown in the table. Table 1 and Figure 1 show that the federal minimum wage was highest relative to poverty in 1968, when it amounted to 118.7 percent of poverty for a full-time full-year worker supporting three people. Since 1980, the minimum wage has been below the poverty line for a full-time full-year worker supporting a family of three. The most recent increase to the federal minimum wage to $5.15 per hour in September 1997 (from $4.75 per hour) brought full-time full-year minimum wage earnings for a family of three up to 82.4 percent of poverty. Since then, the nominal minimum wage of $5.15 per hour has eroded relative to the poverty level, which is adjusted each year for changes in prices. In 2005, full-time full-year earnings for a minimum wage worker amounts to $10,712, or 68.9 percent of the estimated projected poverty level for a family of three ($15,536). Based on the assumptions used, it is projected that the level of the minimum wage relative to poverty in 2005 will be at the lowest level seen at any time over the past 47 years.

TOM GABE,
Specialist in Social Legislation,
Domestic Social Policy Division.

CRS-3

Table 1. Relationship Between the Minimum Wage and Poverty for a Family of Three with One Full-Time Full-Year Worker Earning the Minimum Wage, 1959 to 2005

Year	Statutory federal minimum wage[a]	Average effective minimum wage for the year[b]	Annual earnings: 1 full-time full-year worker earning the effective minimum wage	Weighted average Census Bureau poverty threshold for a 3-person family[c]	Annual earnings as a percent of poverty for a 3-person family
1959	$1.00/hr., effective Mar. 1956	$1.00	$2,080	$2,324	89.5%
1960		$1.00	$2,080	$2,359	88.2%
1961	$1.15/hr., effective Sept. 1961	$1.05	$2,184	$2,383	91.6%
1962		$1.15	$2,392	$2,412	99.2%
1963	$1.25/hr., effective Sept. 1963	$1.18	$2,461	$2,442	100.8%
1964		$1.25	$2,600	$2,473	105.1%
1965		$1.25	$2,600	$2,514	103.4%
1966		$1.25	$2,600	$2,598	100.5%
1967	$1.40/hr., effective Feb. 1967	$1.39	$2,888	$2,861	108.5%
1968	$1.60/hr., effective Feb. 1968	$1.58	$3,293	$2,774	118.7%
1969		$1.60	$3,328	$2,924	113.8%
1970		$1.60	$3,328	$3,099	107.4%
1971		$1.60	$3,328	$3,229	103.1%
1972		$1.60	$3,328	$3,339	99.7%
1973		$1.60	$3,328	$3,548	93.8%
1974	$2.00/hr., effective May 1974	$1.87	$3,883	$3,936	98.6%
1975	$2.10/hr., effective Jan. 1975	$2.10	$4,368	$4,293	101.7%
1976	$2.30/hr., effective Jan. 1976	$2.30	$4,784	$4,540	105.4%
1977		$2.30	$4,784	$4,833	99.0%
1978	$2.65/hr., effective Jan. 1978	$2.65	$5,512	$5,201	106.0%
1979	$2.90/hr., effective Jan. 1979	$2.90	$6,032	$5,784	104.3%
1980	$3.10/hr., effective Jan. 1980	$3.10	$6,448	$6,565	98.2%
1981	$3.35/hr., effective Jan. 1981	$3.35	$6,968	$7,250	96.1%
1982		$3.35	$6,968	$7,693	90.6%
1983		$3.35	$6,968	$7,938	87.8%
1984		$3.35	$6,968	$8,722	79.9%
1985		$3.35	$6,968	$8,573	81.3%
1986		$3.35	$6,968	$8,737	79.8%
1987		$3.35	$6,968	$9,056	76.9%
1988		$3.35	$6,968	$9,435	73.9%
1989		$3.35	$6,968	$9,885	70.5%
1990	$3.80/hr., effective Apr. 1990	$3.69	$7,670	$10,419	73.6%
1991	$4.25/hr., effective Apr. 1991	$4.14	$8,606	$10,860	79.2%
1992		$4.25	$8,840	$11,186	79.0%
1993		$4.25	$8,840	$11,522	76.7%
1994		$4.25	$8,840	$11,821	74.8%
1995		$4.25	$8,840	$12,158	72.7%
1996	$4.75/hr., effective Oct. 1996	$4.38	$9,100	$12,516	72.7%
1997	$5.15/hr., effective Sept. 1997	$4.88	$10,157	$12,802	79.3%
1998		$5.15	$10,712	$13,003	82.4%
1999		$5.15	$10,712	$13,290	80.6%
2000		$5.15	$10,712	$13,738	78.0%
2001		$5.15	$10,712	$14,128	75.8%
2002		$5.15	$10,712	$14,348	74.7%
2003		$5.15	$10,712	$14,680	73.0%
2004[d]		$5.15	$10,712	$15,071	71.1%
2005[e]		$5.15	$10,712	$15,536	68.9%

Source: Table prepared by the Congressional Research Service (CRS).

[a] See CRS Report RS20040, *Inflation and the Real Minimum Wage: Fact Sheet*, by Brian W. Cashell, Jan. 24, 2005.

[b] Effective wage, prorated for the year. For example, in 1997, the minimum wage was $4.75 per hour for the first eight months of the year (January through August), and $5.15 per hour for the last four months of the year (September through December). The average effective minimum wage for the year is thus: (($4.75 x 8) + ($5.15 x 4))/12, or $4.8833 per hour.

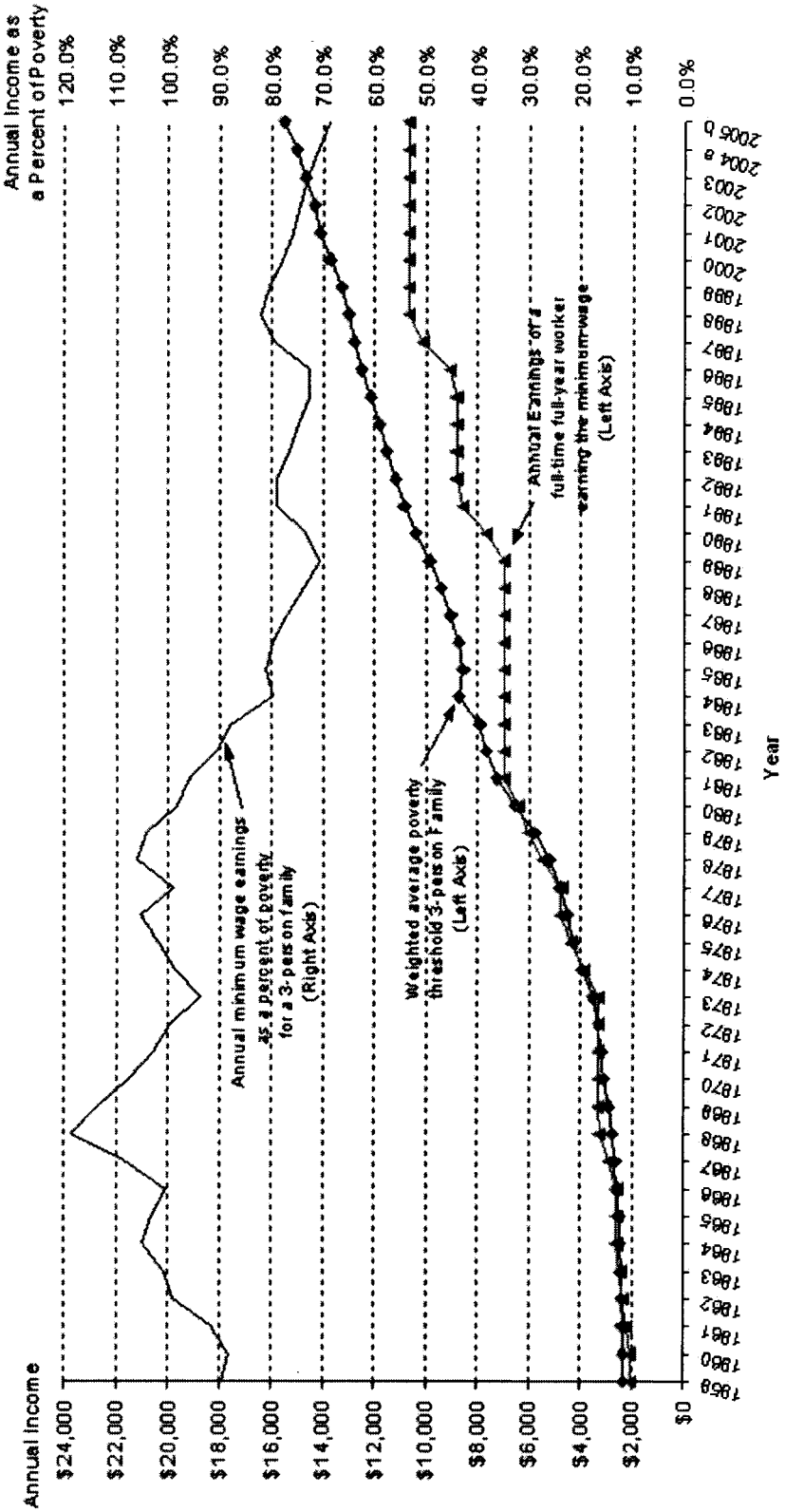
[c] U.S. Census Bureau weighted average poverty thresholds for a family of three. Historical tables at: [http://www.census.gov/hhes/www/poverty/histpov/hstpov1.html].

[d] Weighted annual average poverty threshold for a family of three is a preliminary estimate from U.S. Census Bureau: [http://www.census.gov/hhes/www/poverty/threshld/04prelim.html] accessed on June 29, 2005. Final published weighted average poverty thresholds may differ by a few dollars, when published in the fall of 2005.

[e] Projected 2005 poverty threshold based on 2004 preliminary estimated poverty threshold inflated to 2005 by the average increase in the CPI-U from January to May 2005, compared to January to May 2004.

CRS-4

Figure 1. Relationship Between the Minimum Wage and Poverty for a Family of Three with One Full-Time Full-Year Worker Earning the Minimum Wage, 1959 to 2005



a Preliminary 2004 poverty threshold issued by the U.S. Census Bureau.
b Projected 2005 poverty threshold based on preliminary 2004 threshold projected to 2005 by the change in average CPI-U from January through May 2005, compared to January through May 2004.
Source: Figure prepared by the Congressional Research Service (CRS).

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, today the minimum wage is at a level so low that it represents only one-third of the average hourly wage for American workers as a whole. This represents the lowest level for a minimum wage since 1949. This is not a ''living wage''; it is not even a ''minimum wage.'' It is actually a ''sub-minimum wage.'' Today, American families need a minimum wage increase because there is no maximum on gas prices at the pump. American families need a minimum wage increase because there is no maximum on the cost of prescription drugs and a doctor's visit. American families need a minimum wage increase because there is no maximum on the cost of getting a college education.

While the Bush administration sits on its hands as gas prices, tuition expenses, housing, and health care costs go through the roof, it nails the lid shut on most hard-working Americans as to how much they can earn.

Administration friends, like Halliburton, get no-bid, billion-dollar, open-ended contracts; but the administration cannot spare an extra eight quarters and a dime for those Americans that are doing some of the hardest and dirtiest work in our society.

Republicans call debate on this issue today ''out of order.'' I think it is really our economy that is out of order, when nurses who care for all of us cannot afford child care; when teachers' aids cannot put their own children through college; and when first responders, our police, fire fighters and EMT, cannot afford to live in the neighborhoods that they help protect.

Republicans have helped to make the richest richer than ever with one tax break after another and one special interest piece of legislation after another going through this House. Corporate executives have seen their compensation skyrocket, and the latest economic studies show that the gap between rich and poor in this country approaches Third World standards.

It is long past time for this Congress today, right now, to raise the minimum wage for those workers who are striving to climb up that economic ladder and share in the American Dream like the rest of us. Let us vote in favor of giving American workers and American families the minimum wage they deserve and do it today.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I also rise to ask my colleagues to vote ''no'' on the previous question so we can begin a discussion about the minimum wage and the need to provide for the Fair Minimum Wage Act, which would raise the minimum wage to $7.25. In 60 days after enactment, it would go to $5.85. In 1 year it would go to $6.55. And in 1 year after that, it would go to $7.25.

In the State of California that I represent, currently the minimum wage is at $6.75, and I can tell the Members that sometime back our legislature at one point did not want to enact reform in terms of providing minimum wage increases; so we went directly to the voters. We passed an initiative back in 1996 and were able to get support both from Republicans and from different religious denominations, labor groups, and just about everybody.

They saw that it was reasonable to provide a minimum wage increase to those that deserve it the most; and we are talking particularly about women, women who are in many cases the sole earner, bread winner for their families, families ranging anywhere from two to three children, trying to survive on a minimum wage.

Republicans joined us at that time, and I know that many would believe that this is not a burden on them and it is something that should be provided for all individuals. I can tell the Members that right now there are millions, 4.3 million, since President Bush took office, that are currently living in poverty. Nearly 36 million people, 13 million children.

Among the full-time year-round workers, poverty has doubled since the 1970s from about 1.3 million then to more than 2.6 million. This is an unacceptably low minimum wage that we are currently faced with right now in our country, $5.15. Other States in the Union have provided for more equitable, reasonable increases in the minimum wage. Why can the Federal Government not do the same thing? Let us move on. Let us make this agenda one that empowers our working families and not just those college students that are looking for jobs; but we are talking about retirees that are also trying to supplement their income as well.

I urge my colleagues to support an increase in the minimum wage.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me this time and also for his leadership.

Mr. Speaker, let me just say that I wish we were on the floor today actually passing a minimum wage bill. The reason why I say that is I do not believe there is one Member of Congress in their district, no matter whether they are representing Beverly Hills or representing Palm Springs or maybe they are representing the Gold Coast in one of our great cities or maybe one of the higher-priced areas in the city of Houston, does not have some person in that district that is suffering from a lack of a reasonable income and no health insurance.

We know there are 44 million uninsured individuals in America, but we also know there are individuals who cannot afford to make ends meet because of a lack of a minimum wage. We come to the floor today to do something that I think is unfortunate: one, to not pay attention to the need for an increase in the minimum wage. But we also dumbed down the safety requirements of America. Can one imagine an accident, a tragedy occurs in their plant and their employer now does not have the responsibility of notifying OSHA or the Department of Labor? What an outrage, Mr. Speaker, because we in America believe that the Federal Government is there to provide the necessary umbrella of safety, the umbrella of security for Americans.

And yet we have legislation on the floor that would extend or eliminate the 15-day time frame in which they are supposed to respond. It also takes away the responsibility of the Department of Labor from overseeing OSHA and overseeing safety, overturning a Supreme Court decision. I cannot imagine, Mr. Speaker, that we would be here today after celebrating July 4, home with our friends and family, pledging our allegiance to the flag of the United States and the values of America that we come back one day, one day after that recess where we were suggesting the need for providing for America and do this kind of legislation.

I close on this: we have on the front lines of Iraq young men and women who have offered their lives. They will come back here to take minimum wage jobs. What an outrage that these young men and women, Reservists and National Guard, are on the front line and now they cannot get an increase in the minimum wage because today we take away safety, but we do not provide for an increase in the minimum wage.

I ask my colleagues to vote ''no'' on the previous question and also I ask them to vote ''no'' on the underlying legislation.

Mr. Speaker, I rise in opposition to the rule, H. Res. 351, to provide for consideration of the four very contentious and overreaching bills that amend the Occupational Safety and Health Act (OSHA)—H.R. 739, H.R. 740, H.R. 741, and H.R. 742. I am utterly disappointed by the fact that the Committee on Rules has issued a closed rule on the debate over all three bills. Furthermore, it is no mistake that the rule fails to make in order the amendment offered by Reps. GEORGE MILLER and MAJOR OWENS to increase the minimum wage. This amendment is identical to the Minimum Wage bill that was introduced by Mr. MILLER that would increase the minimum wage from $5.15 per hour to $5.85 per hour 60 days after enactment, up to $6.55 per hour one year after the first increase, and $7.25 an hour one year from the second increase.

I oppose the underlying bills partly because the relief granted have nothing to do with "small businesses" as their titles purport. Among other, they address a single situation

by overturning a case out of the Second Circuit, Chao v. Russell P. Le Frois Builder, Inc. (Second Circuit, May 10, 2002) to allow the employer to contest an OSHA citation with a ridiculous amount of latitude.

In Houston, OSHA proposed fines of $258,000 against the Pasadena Tank Corporation for an August 23, 2001 accident that killed a worker at a construction site. The company had 15 days in which to contest or pay the fines. The Houston-based firm received a citation of six willful and serious safety violations for failing to protect workers by providing an inadequate fall protection system. The employee repairing a rooftop of a storage tank fell 56 feet to the ground when the rooftop collapsed. An OSHA employee said of the situation, ''The employer knew about the unsafe working conditions, but continued to place workers at risk . . . A similar incident happened two years ago when two employees fell to their deaths from a storage tank. This company's continued failure to protect its workers from falls is simply unacceptable.'' This failure to act when there is sufficient knowledge to mitigate an unsafe condition is what these bills will sanction and permit.

Our innocent employers should not be punished from a piece of legislation that attacks from the ''back door'' by weakening a procedural standard that has been set in place to protect them. We should follow the motto, ''if it isn't broken, don't fix it.''

Mr. Chairman, I oppose the rule and the underlying bills, and I strongly urge my colleagues to do the same.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), subcommittee chairman.

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

Mr. Speaker, I think we all want to make sure that the record is clear. Every court in this country allows for some leeway other than 15 days, and that is simply all this bill actually is doing. We are trying to give these small business owners the same right as litigants in every Federal court in the country. It is not very hard to figure out, and it is not very hard to understand why sometimes some people might lose the letter they get from OSHA. There are good reasons. And to say to them, Oh, gosh, you did not make 15 days? You do not get any justice. You do not get any day in court.

And I just want to put that in the record immediately following the previous speaker so if anybody ever reads it, they might get all the facts.

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

First, I heard several times that the matter of the minimum wage is not germane to the four measures included in this one rule. The simple fact of the matter is that an amendment was offered at the Committee on Rules last night and that amendment was voted down on a party-line vote. So at least a discussion during the period of the rule allows the germaneness of the question having to do with the minimum wage, not so much of the substance of the base bill.

I will be asking Members to vote ''no'' on the previous question, Mr. Speaker, so I can amend the rule and allow the House to vote on the Miller-Owens bill to increase the Federal minimum wage. This amendment was offered in the Committee on Rules, as I just said, last night, but was defeated on a straight party-line vote.

My amendment to the rule would provide that immediately after the House adopts this rule, it will bring H.R. 2429 to the House floor for an up-or-down vote. This bill will gradually increase the minimum wage for Americans from the current level of $5.15 an hour to $7.25 an hour after about 2 years.

Mr. Speaker, it is time we in the House started helping American workers instead of taking away their rights as the four underlying bills in this rule do. I think one of the best things we can do to help working families is to increase the minimum wage. It has been nearly 10 years since this Congress has voted to increase the minimum wage, an increase that was signed into law by President Clinton in August of 1996. Since that time, the value of that increase has eroded by 20 percent. A full-time minimum wage earner is working 40 hours a week, makes about $10,700 annually, an amount that is $5,000 below the poverty line for a family of three.

Clearly we are way overdue for another increase. Somehow we have had time to implement numerous tax breaks for the wealthiest Americans, but we have turned our backs on those who work the hardest and are paid the least, those who struggle to make ends meet every day.

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I think it is time this Congress developed a conscience and started helping those who need help the most.

Mr. Speaker, I urge all Members of this body to vote ''no'' on the previous question so we can help these 7.5 million American workers who directly benefit from an increase in the minimum wage.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

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

There was no objection.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last term, when I was a freshman here, having had some State legislative experience, I remember sitting back there by the rail talking to some other freshmen saying one of the things we need to do desperately in this body is have the rule that there should be one bill and one issue. If we did that, it would create better transparency and actually better legislation that people would understand.

I think our discussions today illustrate that point. I have a great deal of empathy for the gentleman from Texas who spoke a few moments ago, a good friend, a good legislator, and he said, the bills we have before us would not solve the problem that he introduced. He was totally accurate, because the topic of his amendment is not the same as the topic of the bills we have before us today, which is why they were ruled nongermane and not put in on the rule itself.

I think we have had some fascinating words that I have enjoyed. I am going to call it fascinating rhetoric today, not really debate, because like ships passing in the night that never touch, so has our discussion from both sides of the aisle gone forward, but never really discussed the same topic at the same particular time.

The four bills we have before us are very narrow in their approach, and they are very good bills, because they help small businessmen and small business women to try and negotiate the rule process with OSHA. They deserve our support, as they deserve the support they got last year when they were discussed in committee; last year when we passed them with bipartisan support on the floor; this year, once again, as they were discussed in committee, because the goal of those bills is to eliminate the conflict between the Federal Government and small business and, instead, to enhance cooperation. And that enhanced cooperation will make a better atmosphere for the business community in America and make a better country for all of us. That is the point of these four very good, very narrow and very specific bills.

I urge the Members to support this rule. It is a fair rule. I urge the Members to support the four underlying bills. They are good bills.

Mr. LEVIN. Mr. Speaker, I rise in strong opposition to the four bills the House is considering today.

There is a real disconnect between the issues the American people say they want Congress to address, and the legislative agenda of the Majority Party that runs the House of Representatives. Three months ago, NBC News and the Wall Street Journal commissioned a poll that asked Americans about the issues they felt were important for Congress to be engaged on. The response was clear. The number-one ranked issue that Americans want Congress to deal is workplace health and safety. A full eighty-four percent of those surveyed said they wanted Congress to spend more time addressing this issue.

Americans are right to be concerned. Almost 6,000 workers a year die due to accidents in the workplace. Tens of thousands more die every year due to occupational illnesses.

So what is the response of the Congressional leaders? Today they have brought four bills to the House Floor that weaken enforcement of workplace health and safety. Instead of addressing the need to improve health and safety conditions on the job, these four bills

would undermine worker protections under the Occupational Safety and Health Act.

Are the American people wrong in demanding that Congress strengthen workplace health and safety? It seems to me that the Congressional leaders and the Majority Party are out of touch with working Americans that they continue to advance legislation that would take us in exactly the opposite direction.

I urge my colleagues to join me in opposing these workplace safety rollbacks.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to the Republican attack on workplace health and safety represented by the four bills offered today amending the Occupational Safety and Health Act. Once again in this Republican Congress, the lobbying power of big business takes precedence over the well being of hard working Americans.

Every year almost 6,000 workers in this country die due to workplace accidents. That number will surely rise if the Republicans are successful in passing these four bills. I could understand if Congress wanted to attack supposedly overbearing OSHA regulations, but this legislative package makes it harder for OSHA to enforce even the most non-controversial workplace safety regulations. Republicans have no interest in actually reforming OSHA, they merely want another notch on the bedpost to attract more campaign contributions from big business.

In post 9/11 America, strong enforcement of OSHA regulations can save lives. In the unfortunate event of another terrorist attack, it is OSHA who ensures clear ingress and egress from buildings, and proper size and placement of stairwells and exits to facilitate emergency evacuations. The bills before us undermine OSHA's ability to effectively enforce these vital safety standards. Once again, the misguided priorities of the Republicans and the Bush Administration seem more concerned about corporate profits than the safety of our workers.

Even more shameful, is the message these bills send about the true Republican agenda for labor rights. For over a year, Republicans in Congress have been talking about how the Central America Free Trade Agreement (CAFTA) improves working conditions in other countries. Not only is that contention blatantly false, it is clear from this legislation that Republicans don't care about working conditions in this country, let alone in Central America.

We should not undermine worker health and safety for the benefit of big business. I urge my colleagues to look past the rhetoric of ''OSHA reform'' and vote against these destructive bills that erode worker protections.

Mr. BACA. Mr. Speaker, I rise in opposition to the previous question on the rule. We need to allow for Democratic amendments, namely one to increase the federal minimum wage.

While Republicans demand up or down votes on controversial appointees, why are American families denied an up or down vote on the Miller-Owens bill to raise the minimum wage. The Miller-Owens bill would gradually raise the minimum wage by $2.10—from $5.15 to $7.25 an hour.

The minimum wage has been frozen at $5.15 since 1997. The inflation-adjusted minimum wage is 26 percent lower today than it was in 1979. If the minimum wage had just kept pace with inflation since 1968 when it was $1.60 an hour, the minimum wage would now be $8.88 an hour.

The number of Americans in poverty has increased by 4.3 million since President Bush took office—and the minimum wage is part of the problem. Nearly 36 million Americans live in poverty, including 13 million children. This is a travesty that must end.

Increasing the minimum wage would help lift a half million workers rise out of poverty and would not have any impact on jobs, employment or inflation. In the four years after the last minimum wage increase passed, the economy experienced its strongest growth in over three decades. Nearly 11 million new jobs were added, at a pace of 232,000 per month. There were ten million new service industry jobs, including more than one and a half million retail jobs.

Mr. Speaker, a fair increase in the minimum wage is long overdue, and I urge my colleagues to defeat the previous question so we can vote on the Miller-Owens minimum wage bill.

Mr. HONDA. Mr. Speaker, I rise today to oppose efforts to pass legislation that will harm the American worker. Republicans are again bringing forward bills that would rollback worker safety regulations under the jurisdiction of the Occupational Safety and Health Administration (OSHA). All four of the bills being voted on today passed the House in the 108th Congress, but the Senate very reasonably did not even hold mark-ups on these bills.

The four bills are coming up notwithstanding the fact that we are at a point in time when workplace safety remains a critical national problem. Almost 6,000 workers a year die due to workplace accidents and another estimated 50,000 to 60,000 die every year due to occupational illnesses. Sadly, the bills on floor today will endanger the lives of even more workers by: making it easier for employers to challenge OSHA citations, unnecessarily expanding the OSHA Review Commission, undermining the enforcement authority of the Secretary of Labor, and punishing OSHA for substantially justified enforcement actions if the agency does not completely prevail.

More specifically, H.R. 739 rolls back OSHA's ability to enforce the law. One of the principle purposes of the Occupational Safety and Health Act is ''to assure so far as possible every working man and woman in the nation, safe and healthful working conditions.'' This bill would have the effect of delaying the timely abatement of unsafe working conditions, by encouraging employers to litigate citations rather than correct health and safety hazards.

H.R. 740 is an attempt to stack the Occupational Safety and Health Review Commission with Republican nominees by expanding it from three to five members (with the newest members to be appointed by the Bush Administration). The Commission has functioned with three members since its establishment in 1970 and there has never been a demonstrated need for additional commissioners.

H.R. 741 reduces the authority of the Secretary of Labor to issue citations. This bill overturns a unanimous 1991 Supreme Court decision in Martin v. OSHRC, which held that the Labor Department should be given deference in interpreting worker safety laws.

Finally, H.R. 742 would require OSHA to pay attorneys' fees and costs for certain employers in any case in which OSHA did not prevail, regardless of the reason why the agency did not prevail. OSHA would be required to pay even if the agency was substantially justified in bringing the complaint which will have the effect of dissuading OSHA from pursuing many legitimate claims.

Mr. Speaker, since taking office in January 2001, the Bush Administration has turned its back on workers and workplace safety. The Administration started its assault on worker safety soon after taking office by repealing OSHA's ergonomics standard. I view this week's attempt to rollback worker safety regulations as another example of the Administration's misguided priorities.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the four bills relating to the Occupational Safety and Health Act that the House of Representatives is scheduled to consider today. While these measures purport to protect the safety and health protections of millions of American workers, in reality, they will do nothing of the kind, and will instead undermine existing workplace health and safety laws.

The statistics on workplace safety is frightening. It is estimated that nearly 4.7 million workers are injured and almost 6,000 workers die due to workplace accidents each year. Thanks to the Occupational Safety and Health Act, workplace safety and health conditions have improved, though there are still great strides to be made, and this is the time for OSHA regulations and requirements to be strengthened, not weakened. On an average day, 152 workers lose their lives as a result of workplace injuries and diseases, and another 12,877 are injured.

These measures do not address the fact that workers are still losing their lives due to unsafe working conditions. Instead these bills punish the very workers the authors of these measures claim they are trying to protect. By allowing employers to challenge OSHA citations, they will undermine the Occupational Safety and Health Act's enforcement policies by penalizing the agency when it attempts to enforce the OSHA law and does so unsuccessfully.

H.R. 742 would require OSHA to pay attorneys' fees and costs for employers with 100 or less employees and a net worth of $7 million or less in any administrative or judicial proceeding in which OSHA does not prevail. While OSHA is already required by law to pay attorneys' fees and costs in any proceeding in which the agency's charge is not substantially justified, H.R. 742 goes beyond that, because now OSHA will be hesitant to cite employees for violations of the OSHA unless there is absolute certainty that they will prevail in a court of law. If OSHA, the federal agency that is tasked with enforcing the law, is hesitant to raise awareness to a meritorious workplace safety issue because they might not win, the true losers in this case are the American workers. Employees have no private right of action under OSHA and depend on the Occupational Safety and Health Administration to address their concerns and remedy violations of the law.

H.R. 742 also purports to help ''small businesses'' recover the cost of attorney's fees, but in fact, this bill would apply to the majority of private sector workplaces. It is widely known that across all industries, businesses with fewer than 100 employees have a higher rate of fatal occupational injuries than do businesses with 100 or more workers, which typically have better workplace safety standards in place. It is troubling that this Congress is attempting to rollback the few safety and health workplace regulations that are currently in

place, instead of strengthening OSHA standards in order to save the lives of American workers.

I urge all my colleagues to vote against these measures and protect the rights of American workers and their families who deserve a decent, safe and healthy workplace.

Mr. EVANS. Mr. Speaker, I rise to oppose the rule and to discuss my concerns with the current efforts to reform the Occupational Health and Safety Act through the four bills before us today.

As my colleagues know, the Occupational Safety and Health Act of 1970 created OSHA to protect American workers while they are at their workplaces. Since then, workplace fatalities have been cut in half and occupational injury and illness rates have declined 40 percent. This record of protection is commendable, but nearly 6,000 workers a year die due to workplace accidents. We need to continue to work to prevent the needless loss of life. Reforming OSHA oversight and procedures to the disadvantage of workers will not do that.

I am deeply concerned that H.R. 739, 740, 741, and 742 will do nothing to protect workers who are dependent on OSHA to ensure their safety. Instead, these bills will open up OSHA to increased challenges to citations, subject the OSHA Review Commission to political tampering, undermine the enforcement authority of the Secretary of Labor, and punish OSHA for justified enforcement actions if the agency does not completely prevail. None of these measures will improve the safety of the workplace.

American workers deserve to know that when they go to the workplace they will be protected from work-related harm. I believe that OSHA is essential to maintaining the high level of safety and productivity that America's workers currently enjoy and these measures will prevent improvements to the system. I urge my colleagues to vote against these blatantly anti-worker pieces of legislation and against the rule.

Ms. MATSUI. Mr. Speaker, I rise today to urge my colleagues to vote down H.R. 739, 740, 741 and 742 in order to ensure the continued health and safety of America's workers.

We are here today to talk about improving the lives of America's workers, but the quartet of bills before us would only serve to further endanger them. Together these bills represent a one-sided rollback of the workplace health and safety standards established by the Occupational Safety and Health Administration (OSHA) and would lead to increases in workplace injury, illness and quite possibly death.

For our nation's workers, this is a matter of life and death—by the end of today, 15 workers will have died and 12,000 will have sustained an injury or illness because of workplace incidents. Congress should be making law to improve workplace safety. And while this seems to be the view of the vast majority of the country, my colleagues on the other side of the aisle have put forth legislation today that does exactly the opposite.

This legislation will undercut the ability of OSHA to enforce its own rules and actually creates a legal loophole, which will allow businesses to stall and avoid addressing a safety violation. Adding insult to injury, the legislation allows President Bush to stack the Occupational Safety and Health Review Commission, the body responsible for OSHA appeals, with Republican appointees subservient to business interests. Inexplicably, one measure actually punishes OSHA for attempting to enforce its own workplace safety standards.

While the Congressional Budget Office estimates the cost of the bill, it is unable to estimate the cost to America's workers . . . the lives lost or the injuries sustained as a result of this misguided legislation. Republicans argue that this legislation will help all businesses. The small businesses that I know would benefit far more from having safe and healthy workers than from having a law that encourages more dangerous work environments. In fact, Liberty Mutual, the largest workers' compensation insurance company, estimates that the direct cost of occupational injuries and illnesses is $1 billion a week. Considering these massive costs, we should be strengthening workplace safety standards, not undercutting them.

But Congress has a choice today. We actually have the opportunity to do something that would benefit workers. My distinguished colleague, GEORGE MILLER, the Ranking Member of the Education and Workforce Committee, has offered a bill that rather than attacking OSHA, would instead raise the minimum wage from $5.15 to $7.25 an hour. This would allow workers to better meet the basic challenges they face everyday like paying rent, putting food on the table and getting access to health care.

It is truly a statement of this nation's priorities that an individual who is working at a minimum wage job, lives below the poverty line. Barbara Ehrenreich, a New York Times reporter, tried to do so—moving from Florida to Maine to Minnesota, she worked as a waitress, a hotel maid, a cleaning woman, a nursing home aide, and a Wal-Mart sales clerk. What she learned and shared in her book, appropriately titled, "Nickel and Dimed: On (Not) Getting by in America," was that one job is not enough, especially if you want to live inside.

This is the real challenge that Americans are facing and Congress should be seeking to address, but the bills we are considering merely serve to undercut the government's ability to enforce workplace safety guidelines. It is shameful that in the same breath the Republican leadership advocates reducing worker safety and refuses to even permit a vote on raising the minimum wage.

We truly have a choice today—an opportunity to actually improve the lives of America's workers, those who propel our economy forward—we should not overlook this. I urge my colleagues to vote no on the previous question to support real help for America's workers.

The amendment previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 351, THE RULE PROVIDING FOR CONSIDERATION OF FOUR OSHA BILLS H.R. 739, H.R. 740, H.R. 741, H.R. 742

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

"SEC. ____. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions."

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 351 will be followed by 5-minute votes on House Resolution 351, if ordered; a motion to suspend the rules on House Resolution 352, by the yeas and nays; and a motion to suspend the rules on House Resolution 343, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 223, nays 191, not voting 19, as follows:

[Roll No. 365]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary

Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—191

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Abercrombie
Berman
Brown, Corrine
Carson
Clay
Conyers
Delahunt
DeLay
Ehlers
Gonzalez
Hinojosa
Jones (OH)
Marchant
Miller (FL)
Myrick
Obey
Ortiz
Pombo
Shadegg

□ 1339

Mr. SCOTT of Georgia, Mrs. NAPOLITANO and Mrs. LOWEY changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 365 I was on the floor and voted, but for some reason the vote was not recorded by the electronic system.

Had the vote been recorded, I would have voted "yea."

Stated against:

Mr. ROTHMAN. Mr. Speaker, on rollcall No. 365, I inadvertently voted "yea," when I intended to vote "nay."

Ms. CARSON. Mr. Speaker, due to a previously scheduled speaking engagement, I was unavoidably delayed during rollcall vote No. 365. Had I been present I would have voted "nay."

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

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 224, noes 189, not voting 20, as follows:

[Roll No. 366]

AYES—224

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

NOES—189

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky

Wasserman Schultz
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Abercrombie
Berman
Brown, Corrine
Clay
Conyers
Delahunt
Frank (MA)
Gonzalez
Hinojosa
Jones (OH)
Kennedy (RI)
Miller (FL)
Myrick
Obey
Ortiz
Poe
Pombo
Price (GA)
Shadegg
Watt

□ 1347

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of July 12, I missed one rollcall vote. It was my intention to vote "no" on rollcall 366 for H. Res. 351, Rule providing for consideration of H.R. 739, H.R. 740, H.R. 741, and H.R. 742.

PROVIDING THAT THE HOUSE OF REPRESENTATIVES WILL FOCUS ON REMOVING BARRIERS TO COMPETITIVENESS OF THE UNITED STATES ECONOMY

The SPEAKER pro tempore (Mr. FORBES). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 352.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, H. Res. 352, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 177, not voting 14, as follows:

[Roll No. 367]

YEAS—242

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—177

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Cleaver
Clyburn
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Abercrombie
Brown, Corrine
Clay
Conyers
Gonzalez
Hinojosa
Johnson (IL)
Jones (OH)
Miller (FL)
Myrick
Obey
Ortiz
Pombo
Shadegg

□ 1356

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 367 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was delayed in my district attending a very important Base Realignment and Closure Commission hearing of critical importance to my constituents. Had I been here, I would have voted "yes" on rollcalls 363, 364, 368 and "no" on rollcalls 365, 366 and 367.

COMMENDING THE STATE OF KUWAIT FOR GRANTING WOMEN CERTAIN IMPORTANT POLITICAL RIGHTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 343.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 343, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 368]

YEAS—420

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble

Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Brown, Corrine
Clay
Conyers
Gonzalez
Hinojosa
Jones (OH)
Miller (FL)
Myrick
Obey
Ortiz
Pombo
Shadegg

□ 1403

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 363, 364, 365, 366, 367, and 368, had I been present, I would have voted "yes" on 363, 364, and 368, and "no" on 365, 366 and 367.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to important business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated:

Rollcall vote No. 363—"yes"; rollcall vote No. 364—"yes"; rollcall vote No. 365—"no"; rollcall vote No. 366—"no"; rollcall vote No. 367—"no", and rollcall vote No. 368—"yes."

OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005

Mr. BOEHNER. Madam Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 739 is as follows:

H.R. 739

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 "Occupational Safety and Health Small Business Day in Court Act of 2005".

SEC. 2. CONTESTING CITATIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

Section 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659) is amended—

(1) in the second sentence of subsection (a), by inserting after "assessment of penalty" the following: "(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)"; and

(2) in the second sentence of subsection (b), by inserting after "assessment of penalty" the following: "(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to a citation or proposed assessment of penalty issued by the Occupational Safety and Health Administration that is issued on or after the date of the enactment of this Act.

The SPEAKER pro tempore (Mrs. WILSON of New Mexico). Pursuant to House Resolution 351, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

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

GENERAL LEAVE

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 739, the bill now under consideration.

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

There was no objection.

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

Madam Speaker, today we will debate four important bills that make modest reforms to the Occupational Safety and Health Act. These measures ensure that small business owners who make good faith efforts to comply with health and safety laws are dealt with fairly and equitably by the Occupational Safety and Health Administration.

Nearly every employer recognizes that improving workplace safety is good for business, and it is good for workers. Employers are subject to fierce competition both at home and abroad and must compete in the face of high taxes, skyrocketing health costs, escalating litigation, and burdensome government regulations. These OSHA reform bills are designed to improve worker safety and enhance the competitiveness of small businesses that are the real engine of job growth in our country.

The U.S. economy continues to grow, and more and more employers are continuing to hire workers each month. Last week, the Labor Department reported that more than 3.7 million new jobs have been created since May of 2003, marking 25 consecutive months of sustained job creation. But we need to make sure that onerous government regulations do not hamstring small businesses' ability to continue to hire

new workers and compete in our economy. That is why these bills are so important.

Madam Speaker, since Republicans assumed leadership of Congress 10 years ago, we have undertaken considerable efforts to make bureaucracy more responsive and more accountable to workers and taxpayers. Let me give just a few examples:

We stopped unwarranted and invasive OSHA regulations proposed by the Clinton administration that would have held employers liable for the safety of their employees who work from home. We stopped one of the most overreaching attempts at regulation in our Nation's history by repealing an irresponsible and unworkable ergonomics regulation that would have cost employers billions of dollars and killed millions of jobs. We have dealt with the problem of costly unfunded mandates by ensuring that Congress does not pass expensive legislation and then place it onto the backs of State and local governments.

This decade of progress on regulatory reform should give every American confidence that Congress is making positive steps every year to improve government accountability. And today we want to take one more step, one more positive step to help improve workplace safety, I think a goal we all share.

OSHA, under the Bush administration, has made significant efforts to supplement traditional enforcement programs with cooperative partnerships between the agency and employers. I am pleased to report these voluntary programs have proven successful in reducing workplace injuries and illnesses. In fact, if we look at this chart, workplace injuries and fatalities have declined significantly during the Bush administration. And as this chart shows, workplace injuries and illnesses have declined significantly under the Bush administration to their lowest point in history, to a rate of just five injuries or illnesses per 100 workers.

Moreover, workplace fatalities have made similar declines. There has been a 5.8 percent reduction in workplace fatalities since the Bush administration took office, and that is significant progress.

Why has such progress been made? Because under this administration, OSHA and employers have started to work together more cooperatively and more proactively to solve workplace safety problems before injuries and fatalities occur. A GAO report released last year said voluntary partnerships between OSHA and employers ''have considerably reduced the rates of injury and illness'' and have fostered ''better working relationships with OSHA, improved productivity, and decreased workers' compensation costs.''

We strongly support OSHA targeting the bad actors that defy the law and compromise the safety of their workers, but we also need to recognize that most employers are good actors who work hard to address job safety concerns. No employer wants to deal with unnecessary OSHA-related litigation and escalating attorneys' fees that would result from that enforcement. Most employers want to comply with the law, and the offer of assistance from OSHA is enough to provide the incentive they need to make this investment. Employers will use these resources because safety pays.

The reform measures we will consider today are proposals that, while fairly modest in substance, are important to small business owners who struggle every day to comply with the complex OSHA laws and provide a safe working environment for their workers while facing an increasingly competitive worldwide economy. Employers who make good faith efforts to comply with OSHA standards deserve to be treated fairly and have their day in court, and these commonsense bills will help ensure that they receive that opportunity.

The first bill on tap today, the Occupational Safety and Health Small Business Day in Court Act gives the Occupational Safety and Health Review Commission additional flexibility to make exceptions to the arbitrary 15-day deadline for employers to file responses to OSHA citations when a small business misses the deadline by a mistake or for good reason.

This bill essentially codifies administrative action taken by the Labor Department last year and ensures appropriate disputes are resolved based on merit rather than legal technicalities. It passed the House with strong bipartisan support last year, and it deserves every Member's support.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. OWENS. Madam Speaker, we are here again. We went through this marathon a year ago. We have had several sets of hearings and markups on these four bills, and one would think they are very important. They are important, but in the reverse way. They are not important to protect the health and safety of working families in America. They are important because they are trying to trivialize the whole safety component of the Department of Labor and the whole safety responsibility of the government. They want to trivialize it and make it seem insignificant and unimportant.

I understand each of the four bills amending the Occupational Safety and Health Act now on the floor will be considered individually, and I would therefore save my comments on the specifics of the other three bills until the appropriate time. When you consider these four bills as an entire package, however, it becomes very clear that they will seriously erode the enforcement of U.S. safety standards, they will undermine the ability of the Occupational Safety and Health Administration to enforce on-the-job safety standards, and will only add to more worker deaths and more serious injuries.

□ 1415

It will not only lead to the Department of Labor becoming more and more the department against laborers, the department against working people; by bringing these bills to the House floor, the Republican leadership shows yet again just how out of step it is with the American people. In this case, the House Republican leadership is backing four bills to weaken OSHA at the very time that the American public is demanding the exact opposite be done.

According to a recent poll sponsored by the Wall Street Journal, eight out of every ten Americans believe Congress should be passing legislation to ensure greater health and safety in the workplace. Let me repeat that: The Wall Street Journal, which is hardly a liberal publication, they sponsored a poll in April 2005 revealing that 84 percent of those surveyed want lawmakers to pass bills ensuring safer workplaces in America. That is 84 percent.

Parade Magazine, another mainstream publication, tells us the same story. An article published in the April 10 issue of Parade Magazine assessed our national priorities based on 2005 dollar allocations for government programs. The article juxtaposed business versus safety, pointing out that this year's funding for the Securities and Exchange Commission is $888 million and the Small Business Administration, which is $580 million, far exceeds that for OSHA, which is $464 million, and the Consumer Product Safety Commission which is $63 million. The amount dedicated to business, Parade Magazine concludes, is close to $1 billion more than that dedicated to safety in this simple comparison.

The OSHA bills being voted on today will only serve to exacerbate this huge divide between Federal investments in business versus safety. One of the bills, H.R. 742, will even require OSHA to spend part of its meager budget rewarding certain employers who are repeat safety violators. This bill would reimburse firms that are repeat safety offenders for attorneys' fees whenever OSHA citations are downgraded on a technicality during administrative or court proceedings.

The American people are serious about seeing tougher laws enacted to improve safety on the job, and their concerns are well founded. In a hearing last month, the U.S. Chemical Safety Board underscored the fact that chemical dust explosions represent a serious industrial hazard in this country. Since 1980, 200-plus explosions and dust fires in U.S. plants caused the deaths of 100 workers and significant injuries to 600 others. Even though the Chemical Safety Board chair stresses that these

industrial explosions are clearly preventable, no comprehensive Federal effort has yet been established to address these clearly preventable explosions.

As recent headlines about worker deaths in Texas, New York and Ohio have revealed, American workers are far too often killed or severely injured as a result of safety violations by employers who have lengthy histories of similar offenses.

In March 2005, 15 workers were killed and more than a hundred injured in a massive British Petroleum refinery blast. A preliminary Chemical Safety Board investigation indicates that faulty equipment was a key factor in this terrible explosion which also destroyed buildings and cars. Yet OSHA had already fined the same British Petroleum plant $100,000 in September 2004 for safety violations that at that time had killed two workers. In fact, OSHA had previously cited and issued a fine of $63,000 in March 2004 to that British Petroleum plant for 14 safety violations.

Even though the Texas City British Petroleum Plant is clearly a repeat safety offender, OSHA routinely reduces penalties and downgrades violation findings as a means of encouraging correction of the problem. I suppose that is what is alluded to by this voluntary compliance. They are going to voluntarily comply one day, but in the meantime, many more workers will be killed.

A newly released analysis of 2,500 inspections of New York construction sites reveal similar patterns of serious and frequent violations of OSHA safety standards. Nearly two-thirds of all violations in 2003 involved faulty scaffoldings and/or the failure to provide fall protection equipment. Scaffolding collapses and falls are the most common cause of construction worker hospitalizations and deaths of three or more workers. Sponsored by the New York Committee on Safety and Health, this report recommended more vigorous OSHA enforcement and the hiring of more OSHA inspection officers, among other remedies. Under its current staffing, it would take OSHA 108 years to inspect all of the workplaces in the United States.

Yet this administration has proposed that we hire 41 new auditors to audit organized labor records. If we have the money for 41 new auditors to audit the petty cash records of labor unions, surely we ought to be able to find the money to hire more inspectors and have those inspectors be inspectors not on a voluntary compliance basis but on a serious basis to save lives and injuries.

OSHA also lacks adequate safety standards to cope with globalization. Four ironworkers killed last year by a massive crane collapse near Toledo, Ohio, were working for a contractor with a history of repeated safety violations.

Moreover, OSHA has yet to release a standard an advisory committee drafted a year ago to govern inspection of cranes manufactured in Europe, as the crane in the Ohio fatalities had been.

In closing, the American people are watching us. By an overwhelming majority, the public wants to pass bills to strengthen OSHA, not to weaken OSHA. They want safer workplaces in America. The bills before us now do just the opposite. I urge my colleagues to join me in voting ''no'' on these bills.

Madam Speaker, I include for the RECORD letters from the AFL–CIO, the Teamsters, the UAW, AFSCME, as well the United Steelworkers in opposition to these bills.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: I am writing to express the strong opposition of the AFL–CIO to H.R. 739, H.R. 740, H.R. 741 and H.R. 742, four bills that would erode worker protections under the Occupational Safety and Health Act. These bills, which are scheduled for a floor vote the week of July 11, 2005, would change established law and procedures to benefit employers and stifle OSHA enforcement. They would do nothing to enhance workers' safety and health protection, while weakening the OSHAct. We are particularly concerned about H.R. 742 and H.R. 741, because these two bills would significantly undermine OSHA's ability to carry out its core mission.

H.R. 742. Occupational Safety and Health Small Employer Access to Justice Act—This bill requires taxpayers to pay the legal costs of small employers who prevail in any administrative or enforcement case brought by OSHA regardless of whether the action was substantially justified.

The language expands provisions of the current Equal Access to Justice Act, which already permits small businesses to recover litigation costs where the government position was not substantially justified. H.R. 742 will have a chilling effect on both OSHA enforcement and OSHA standard setting. OSHA will be hesitant to cite employers for violations of the OSHAct unless there is absolute certainty that the enforcement action will not be challenged, will be upheld or there will be no modification in the terms of action. Similarly, unless OSHA is certain that a standard will not be challenged (which they are routinely for any number of reasons), it would not dare begin the rulemaking process on any hazard no matter how grave the threat of the hazard to workers. No rational public policy would be furthered by discouraging OSHA from issuing citations that are substantially justified, but as to which the government ultimately is unable to carry its burden of proof. Rather, the inevitable result of such a rule, which would penalize the government every time it loses, would be to chill the issuance of meritorious citations in close cases on behalf of employees exposed to unsafe working conditions. This bill would further weaken OSHA enforcement efforts and standard setting to the detriment of American workers.

Across all industries, establishments with fewer than 100 employees (which in 2000 made up 97.7 percent of all private sector establishments) have a higher rate of fatal occupational injury than do establishments with 100 or more workers. Effectively hampering OSHA's enforcement ability in these establishments would be devastating to workers, resulting in even higher rates of worker fatalities, injury and illness.

The number of OSHA enforcement actions that involve contested adjudications is fairly small, the penalties are generally modest, and the substantive and procedural standards already accommodate the interests of small-business litigants. To be clear, there is no evidence that this legislation is necessary. The result of H.R. 742 will be a skewed set of enforcement priorities and a risk of injury, illness and even death to workers.

H.R. 741. Occupational Safety and Health Independent Review of OSHA Citations Act—This bill would change the Act to give deference to the Commission regarding the interpretation of OSHA standards. The bill seeks to overturn a 1991 decision by the Supreme Court that found that deference should be given to the Secretary of Labor as the official responsible for enforcing the OSHAct.

The Secretary of Labor has much greater experience and expertise regarding the interpretation of safety and health standards and regulations than the Commission. The Secretary develops the rules and is responsible for their broad application. In contrast, the Commission only reviews the application of standards in those few cases that are contested and come before the Commission. Giving deference to the Commission would create an incentive for challenges to the Secretary's rules and interpretations, undermining the Secretary's policymaking and enforcement functions.

H.R. 740. Occupational Safety and Health Review Commission Efficiency Act—The bill requires that the number of members on the Commission be increased from three to five and that all members must be attorneys. It also seeks to allow members whose terms have expired to continue serving on the Commission for an additional 365 days in cases where no successor has been confirmed by the Senate.

The Review Commission has operated with three Commissioners since it was first formed in 1970. Increasing the size of the Commission from three to five members is not necessary and would enable the Bush Administration to stack the review commission with business-friendly appointees. The requirement that the Commissioners be lawyers would exclude a large pool of talented persons from service. Allowing members whose terms have expired to continue serving on the Commission for an additional 365 days unless a new appointee is confirmed by the Senate may mean a sitting member could have a de facto seven year term, dending on the political makeup of the Senate and White House. The current requirement that a member step down at the expiration of his or her term is appropriate and maintains pressure on all parties to work together to select a qualified person for the Commission. Under this legislation, rather than having two members for a working quorum, three will be needed. However due to the way the language is crafted a minority of the Commission and fewer than a quorum could take action. This makes no sense and opens the door to abuses of power. Moreover, there is not enough enforcement activity at OSHA to warrant five commissioners.

H.R. 739. Occupational Safety and Health Small Business Day in Court Act—This bill seeks to excuse employers who miss the fifteen-day timeframe to contest citations and failure to abate notices. Its practical effect would be to make numerous excuses into legal reasons for missing the fifteen-day timeframe in which employers currently must respond to OSHA citations. This action will only encourage more litigation. The idea of the fifteen-day requirement is to give all parties a reasonable timeframe in which to take action, and to ensure that the case is moved along as quickly as possible so the

hazards cited will be addressed in as timely a manner as is possible. The Commission should be able to review any missed deadlines on a case-by-case basis, as is currently the practice. The one case being held up to demonstrate an insurmountable obstacle for employers is just that—one case. No legitimate reason has been presented as to the need for this bill.

As demonstrated above, these bills undermine the intent of the Congress when it enacted the OSHAct more than 30 years ago. Generally speaking, these policies and procedures have been serving workers well for over 30 years. American workers deserve a safe and healthy workplace and the full protection the OSHAct can offer. These bills would surely diminish the protections provided to workers by the OSHAct. For these reasons, the AFL–CIO opposes these four bills, and we strongly urge you to vote against each of them.

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL–CIO,
Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: On behalf of the more than 1.4 million members of the International Brotherhood of Teamsters, I am writing to express our strong opposition to four bills that would amend the Occupational Safety and Health Act: H.R. 739, H.R. 740, H.R. 741, and H.R. 742. These bills, which the House of Representatives will consider this week, do nothing to enhance safety and health protections for workers. Rather they would change established law and procedures to benefit employers (at the expense of workers), and they would make OSHA enforcement more difficult. Instead of weakening the intent of the OSH Act, Congress should take steps to strengthen safety and health protections for workers, and improve enforcement.

The Teamsters Union opposes H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act, which would require that OSHA (i.e. the taxpayer) pay the legal costs when it loses a case against a small business that prevails in administrative or judicial proceedings, regardless of whether the governments position was substantially justified. We view this as another effort to impede OSHA's and the Departments efforts to enforce the law and provide an avenue for workers to seek redress.

We see no justification for such an arbitrary departure from the current practice of each party paying for its own litigation costs for only one class of public prosecutions. We know of no other agency, charged by statute to enforce the law, which is impeded from fulfillng its responsibility with respect to a meritorious complaint because it cannot guarantee the outcome. In effect, H.R. 742 says that unless the agency is absolutely certain that it can prevail—that it is absolutely certain that its enforcement action will not be challenged, will be upheld, or no modification will occur in terms of action—it will be penalized (budgetarily) for fulfilling its statutory obligation to protect the safety and health of all workers (union and non-union) and to provide an avenue for redress.

Furthermore, H.R. 742 would effectively gut OSHA's statutory authority to promulgate safety and health standards. Unless certain that a standard will not be challenged (and many routinely are for a number of reasons). OSHA would not dare (or be extremely reluctant, at best) to begin a rulemaking on any hazard no matter how serious. We believe that H.R. 742 is tantamount to a stealth repeal of OSHA's statutory authority to issue workplace safety and health standards.

H.R. 739, the Occupational Safety and Health Small Business Day in Court Act, seeks to excuse employers who miss the current fifteen-day time frame to contest citations and failure to abate notices. We believe this proposal does nothing more than create ''artificial'' legal reason for failing to respond in a timely fashion. It is an ''about face'' from ensuring that an OSHA case is moved along as expeditiously as possible to ensure that workplace hazards are addressed in as timely a manner as possible, thus improving worker safety and health. The current practice of a case-by-case review is the most appropriate way to ensure that hazards are addressed as quickly as possible, and to reinforce the importance of workplace safety.

H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act, would require that the number of commission members be increased from three to five, that all members be attorneys, and that members be able to serve until a successor is confirmed. We see no justification, or need, for these changes—unless one wishes to tilt the ''playing field'' against workers. First, the level of enforcement does not warrant five commissioners. And, there is no reason to limit the pool of talented people for consideration. Further, the current system helps ensure that all parties work together to select qualified people to serve, and to do so in a timely manner.

H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act, would, we believe, turn the OSH Act on its ear'', by giving deference to the commission. Presently, the Secretary of Labor is given deference as the official responsible for enforcing the OSH Act. The bill would take away the authority held by the Secretary in bringing cases to the Court of Appeals and the Supreme Court, an important avenue of redress to protect workers from dangerous and unhealthy workplaces.

Each of these bills will undermine, subtly in some instances and egregiously in the case of H.R. 742, workplace protections and the protection that the OSH Act was designed to provide workers. The Teamsters Union urges you to reject each of these bills.

Sincerely,

MICHAEL E. MATHIS,
Director, Government Affairs Department.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,
Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: This week the House is scheduled to take up four bills to amend the Occupational Safety and Health Act of 1070—H.R. 739, H.R 741 and H.R. 742. The UAW opposes each of these anti-worker bills and urges you to vote against them.

H.R. 742, the ''Occupational Safety and Health Small Employer Access to Justice Act,'' would require taxpayers to pay the legal costs of employers with 100 or fewer employees and worth up to 7 million who win administrative or enforcement cases brought by OSHA or any challenge to an OSHA standard, regardless of whether OSHA's actions were substantially justified.'' The UAW is deeply concerned that this legislation would have a tremendous chilling effort on the ability of OSHA to enforce workplace health and safety protections. In addition, this bill would reverse the time-honored rule of American jurisprudence that requires litigants to bear their own cost and fees. There is no need for such legislation because the Equal Access to Justice Act already protects parties from administrative overreaching by compensating them in cases where the government is not ''substantially justified'' in bringing a law enforcement action, or under other ''special circumstances.''

The other three bills, H.R. 739, H.R. 740 and H.R. 741, all relate to the Occupational Safety and Health Review Commission (Commission or OSHRC). In considering these bills, the UAW urges the House to bear in mind that OSHRC functions as an intermediate appeal for employers, between decisions of the Occupational Safety and Health Administration (OSHA) and the U.S. Courts of Appeal. During the time a case is on appeal to OSHRC, employers do not have to pay any assessed penalties, nor do they have to abate the violations for which they were cited. Thus, procedural delays at OSHRC serve only to postpone justice and to delay the correction of workplace safety and health violations.

H.R. 739, despite being mislabeled the ''Occupational Safety and Health Small Business Day in Court Act,'' is not limited to small businesses. Instead. it would effectively eliminate the statutory time period within which all employees—not just small employers—must contest an OSHA citation or assessment before it becomes a final order of the Commission. This bill would excuse employers from the fifteen-day deadline for contesting OSHA citations and lead to more litigation.

The purpose of the fifteen-day requirement is to give all parties a reasonable amount of time to take action and to move cases along as quickly as possible so that hazards can be abated in a timely manner. The bill excuses employers from missing their fifteen-day deadline but does not extend the same provisions to an employee who challenges the period for abatement in a citation. This provision is one-sided and unfair to employees. Under the statute, an employer contests by simply mailing a letter to the OSHA office. Therefore, contestation is not burdensome, and the statutory time period should be retained.

The federal courts already provide relief, pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, for employers who can show that their failure to meet filing deadlines was due to mistake, inadvertence, surprise, excusable neglect, fraud, misrepresentation or misconduct by an adverse party, so long as the employer can show the existence of a meritorious defense. There is a body of established case law pursuant to Rule 60(b) that would be subject to wasteful re-litigation if H.R. 739 were enacted.

H.R. 740, the ''Occupational Safety and Health Review Commission Efficiency Act,'' would expand the number of OSHRC commissioners to five from three and authorize subpanels of three members to exercise all of the powers of the Commission. It would also authorize commissioners to hold their position at the expiration of their six-year term, until a successor has been nominated by the President and confirmed by the Senate. Finally, it would add a new requirement that Commissioners must have legal training.

The UAW submits that the only good to come from adding two commissioners to OSHRC would be the creation of two more jobs to an economy that has already lost millions of industrial jobs. Otherwise, it is wasteful and unnecessary to expand OSHRC, which has been composed of three members since it was established in 1970. Indeed, the UAW believes that Congress should give consideration to abolishing all of the OSHRC commissioners' positions, allowing appeals to go directly from the decision of the Commission's Administrative Law Judges to the Courts of Appeals, as is done with Social Security Administration appeals. The UAW also objects to the legal training requirement because it would work against persons with workplace health and safety expertise.

Furthermore, we object to the provision allowing commissioners to retain their position after the expiration of their term because it deprives the Senate of its Constitutional advice and consent role.

H.R. 741, the ''Occupational Safety and Health Independent Review of OSHA Citations Act,'' would overturn a 1991 Supreme Court decision holding that OSHRC's interpretation of a health or safety standard may not be substituted for the interpretation of the Secretary of Labor. The bill explicitly provides, ''The conclusions of the Commission with respect to all questions of law shall be given deference if reasonable.'' Because it is for all practical purposes only employers who appeal cases to OSHRC, there is never an instance when the Commission would be expanding workers' rights by substituting its interpretation for the Secretary's. In other words, H.R. 741 would give unprecedented and unwarranted authority to the OSHRC to take away workers' workplace health and safety protections.

For all of the reasons set forth above, the UAW strongly opposes H.R. 739, H.R. 740, H.R. 741 and H.R. 742. We urge you to vote against these anti-worker bills that would undermine workplace health and safety.

Sincerely,

ALAN REUTHER,
Legislative Director.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to reject H.R. 739, H.R 740, H.R 741 and H.R. 742. These bills would weaken important worker safety and health protections that are guaranteed under the Occupational Safety and Health Act (OSHAct).

Collectively, these bills would erode important OSHA policies that have served to protect the health and safety of workers all across this country. H.R. 739 would allow employers to avoid current law's fifteen-day deadline to contest OSHA citations. Such a change would result in a delay in correcting dangerous work place hazards in a timely manner. H.R. 740 is simply an unnecessary move to stack the Occupational Safety and Health Review Commission with new members while requiring that they have legal training. H.R. 741 would remove policymaking and the interpretation of OSHA's policies from the Secretary of Labor and give that responsibility to the OSHA Review Commission. Such a move would be an extreme departure from the original intent of the OSHAct and make it difficult for the Secretary of Labor to enforce and implement the Act. Finally, H.R. 742 would require OSHA to pay attorneys' fees for small employers when they prevail in administrative or enforcement proceedings, placing yet another financial burden on an already underfunded agency.

We urge you to reject all four of the measures. These bills will erode a law that has served American workers well.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

UNITED STEELWORKERS,
July 11, 2005.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The United Steelworkers (USW), a union which represents industrial workers in virtually every sector of the economy, strongly opposes the four bills amending the Occupational Safety and Health Act (OSHA) which the House is scheduled to take up tomorrow. HR 741, HR 740 and HR 739 all relate to the Occupational Safety and Health Review Commission (OSHRC) while HR 742 adds new rules under which small employers can receive compensation for attorney's fees.

Proponents of these bills paint them as simply eliminating bureaucratic ''red tape'' with a ''common-sense fix,'' but workers' safety and the protections established under the 1970 OSH Act and the rights of claimants to a timely response to OSHA citations cannot be equated to red tape.

Perhaps most onerous is HR 742, the ''Occupational Safety and Health Small Employer Access to Justice Act,'' which requires taxpayers to cover the legal costs of small employers who prevail—or partially prevail—in any administrative or enforcement case by OSHA, or in any challenge to an OSHA standard, regardless of whether the action was ''substantially justified''. In other words, this bill will go beyond the protection already provided to litigating parties in the Equal Access to Justice Act which currently protects a party in cases where the government is not ''substantially justified'' in bringing about a law enforcement action.

HR 742 will effectively act as a deterrent to OSHA enforcement and standard setting. Statistics show that small employers (those with fewer than 100 employees) have a higher rate of fatal occupational injuries than those with more than 100 workers. Since small employers account for over 97% of all private sector employers, USW vigorously opposes any bill that could further weaken OSHA enforcement efforts and standard setting for this proportionally large group of private sector small employers.

HR 741 the ''Occupational Safety and Health Independent Review of OSHA Citations Act'' overturns a 1991 Supreme Court decision and undercuts the Secretary of Labor's authority to interpret and enforce the law. HR 741 would order judges in cases appealed to the courts to give deference to the OSHRC, giving the Commission unprecedented authority to interpret OSHA standards. The USW strongly urges you to vote against HR 741 and keep policymaking and the interpretation of OSHA policy with the Secretary of Labor.

HR 740 the ''Occupational Safety and Health Review Commission Efficiency Act'' proposes to expand the number of commissioners from three to five, require commissioners to have a legal training and allow commissioners to hold their position after their six year term expires until their successor has been appointed by the President and confirmed by the Senate. Since 1970 the OSHRC has been composed of three members and there is no need to expand the Commission while excluding from the Commission persons with workplace health and safety expertise, but no law degree. The USW also urges you to vote against this bill.

Finally, HR 739 or the ''Occupational Safety and Health Small Business Day in Court Act'' would excuse all employers—not just small employers—that miss the fifteen-day deadline for contesting OSHA citations. In other words, this bill will effectively eliminate the 15-day deadline, further delaying the timeframe for moving a case through the process and further delaying actions to correct the possible hazard. The USW opposes this bill as redundant, since employers already have recourse for missed deadlines in the federal courts under Rule 60(b) of the Federal Rules of Civil Procedure if the failure to contest meets certain requirements.

Sincerely,

WILLIAM J. KLINEFELTER,
Assistant to the President, Legislative and Political Director.

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

Mr. BOEHNER. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD), the chairman of the Subcommittee on Workforce Protections.

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

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

Madam Speaker, I cannot help but think that all has been said that needs to be said about all four of these bills during the rules debate; the problem is just not everybody has said it.

If we can perhaps confine our thinking and remarks to the bills before us, we could probably get through this pretty nicely. And those who want to talk about things that are not germane to these bills have a great opportunity to do so during special orders. Maybe for once we could simply talk about the four bills that we have.

We are starting out with H.R. 739, the Occupational Safety and Health Small Business Day in Court Act of 2005. At the outset, I would like to stress that this legislation in no way diminishes the worker safety protections of the Occupational Safety and Health Act. I believe that. I think most members of our committee believe that. It is not our intention and I do not believe it will be the outcome of any of these bills that we consider today, most especially the one we are discussing now, H.R. 739.

The Occupational Safety and Health Small Business Day in Court Act amends the OSH Act to resolve a conflict between section 10 of the act and the Federal rule of civil procedure 60(b). The bill is designed to make sure that an employer who fails to respond to an OSHA citation in a timely fashion is allowed to do so and have his or her day in court, and how reasonable of us to allow that, if the reason for missing the deadline was excusable neglect, a mistake or inadvertence. That is what rule 60(b) allows, and that is frankly all this bill does.

Until recently, if an employer filed a late notice of contest to an OSHA citation, OSHA had limited flexibility in accepting the notice because of a conflict in the law that was written 34 years ago. OSHA would not accept late notices of contest even if the employer could prove an excusable neglect. The Occupational Safety and Health Review Commission, however, would allow a late notice of contest to be filed under rule 60(b). This makes no sense.

On December 13, 2004, the Solicitor of Labor issued a memorandum to regional solicitors announcing a change in the Department's legal interpretation. This change will allow the Department's attorneys to excuse late notices of citation if it can be determined

that the lateness was due to an inadvertence or excusable neglect. The solicitor cites case law, OSHRC's longtime interpretation, and rule 60(b) as the reasons for this change. This is the right policy in my view, and I include for the RECORD the aforementioned memorandum.

DEPARTMENT OF LABOR,
Washington, DC, December 13, 2004.

MEMORANDUM

To: Regional Solicitors, Joseph M. Woodward, Associate Solicitor for Occupational Safety and Health.

From: Howard M. Radzely, Solicitor of Labor.

Subject: Late Notices of Contest to OSHA Citations.

This memorandum announces a change in the Department's legal interpretation of Section 10(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. §659(a). The Department previously interpreted that provision to preclude the Occupational Safety and Health Review Commission from considering an employer's contest of an OSHA citation that is filed after expiration of the statutory fifteen working-day contest period, except in the unusual situation in which the limitations period has been equitably tolled. The Commission's position has long been that it can consider late contests if the employer establishes that its failure to meet the deadline was due to ''excusable neglect'' as that phrase is used in Fed. R. Civ. P. 60(b), which provides criteria for granting relief from final judgments or orders.

Despite our best efforts, our legal argument has met with only limited success. Although the Second Circuit agreed with our view in Chao v. Russell P. LeFrois Builder, Inc., 291 F.3d 219 (2d Cir. 2002), the Commission has repeatedly rejected it, and this past June the Third Circuit ruled against us in two cases. George Harms Constr. Co. v. Chao, 371 F.3d 156, 160–65 (3d Cir. 2004); Avon Contractors, 372 F.3d 171, 174–75 (3d Cir. 2004).

After studying the statute and relevant case law, the Department has concluded that late filed notices of contest may be considered under the conditions specified in Rule 60(b). This change is not only consistent with the Commission's interpretation, but it is also consistent with MSHA's and the Federal Mine Safety and Health Review Commission's interpretation of identical language in the Mine Act. 30 U.S.C. §815(a). Moreover, the previous interpretation had a disproportionate impact on small businesses in that these entities are more likely than larger companies to file untimely notices of contest. Our new position avoids further needless and often futile litigation on an issue that is collateral to OSHA's primary safety and health mission.

Accordingly, I am directing that all Regions implement this new interpretation by no longer making the argument that the Commission lacks authority to consider late notices of contest under Rule 60(b). However, the Regions should continue to argue aggressively, as they have previously and usually successfully done in the alternative, that Rule 60(b) relief can only be granted to employers that establish all elements of the excusable neglect standard. In this way, we can focus our limited resources on protecting worker safety and health rather than on litigating a collateral procedural issue. Specific implementation guidance follows. If there are additional questions, please contact Daniel Mick, Counsel for Regional Trial Litigation, in the OSH Division.

GUIDANCE

1. No attorney in the Office of the Solicitor shall argue on behalf of the Secretary that the Commission lacks the authority to apply Rule 60(b)'s excusable neglect standard to consider late notices of contest. Instead, SOL shall implement OSHA's current view that the Commission has such authority. Attorneys handling OSHA cases arising in New York, Connecticut, or Vermont, or when otherwise appropriate, shall note that the Second Circuit Court of Appeals has held to the contrary, but point out that the Le Frois decision made clear that the Secretary's reasonable interpretations of the OSH Act are entitled to judicial deference, and was rendered before OSHA adopted its current view.

2. Where appropriate, SOL attorneys shall protect the Department's interests by opposing late notices of contests on the grounds that the employer has not established ''excusable neglect'' for the late filing. Consistent with existing law, SOL attorneys shall argue that, in addition to the employer establishing that the neglect was excusable, relief cannot be granted unless the employer also asserts a meritorious defense to the citation. See Teamsters, Chauffeurs, Warehousemen & Helpers Union, Local No. 59 v. Superline Transp. Co., 953 F.2d 17, 20 (1st Cir. 1992) (citing cases). In addition, because Rule 60(b) relief is only available ''upon such terms as are just,'' in appropriate cases, such as where the employer contests only the penalty or the characterization of the violation, or its knowledge of a violative condition, SOL may ask that the employer be required to establish that employees are no longer exposed to the cited hazard as a condition of going forward with a hearing on the merits.

Madam Speaker, all H.R. 739 would do is simply codify the solicitors' new directive, permanently cementing this change in the OSH Act and ending the conflict between the OSH Act and rule 60(b).

Last year, the House approved this measure with bipartisan support of 251–177, and I again urge my colleagues to vote ''yes'' on this measure.

I know many of my Democrat friends think that the labor bosses are against this, and they are right. The labor bosses are against something this simple, which is simply an indication to me they may not like small businesses. They may not want anything to occur that helps small businesses.

The gentleman from New York (Mr. OWENS) says this bill is not important. I tell Members what, if you are a mom and pop in this country running a small business with three or four employees, I promise this is important to them. The 12 percent of the labor union members in this country, I guarantee it is important to many of them because many of them are also in small businesses. Many of them who have spouses are in small businesses. This is just a decent thing to do, allow a little flexibility. Why beat up on small businesses? If you have a small business in your district, you certainly should vote ''yes'' for this one bill.

Mr. OWENS. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, I rise in opposition to H.R. 739 because it appears to be just another way for this administration to distract from the real priorities of our Nation's workers: fair wages, open labor negotiations, secure pensions, U.S. jobs over the outsourcing of our jobs and, of course, a safe working environment that protects workers from harm and allows their families peace of mind. Yet with this legislation, we put the company's bottom line above the safety of American workers.

With the narrowing definition of willful violations, we make it easier for employers to avoid responsibility after disregarding a safety standard requirement. This bill would allow a company to receive a filing extension no matter why the paperwork was lost, whether they lost track of it in the first place or if they even put it aside because of their very own negligence.

□ 1430

Why should any worker be forced to suffer in unhealthy or unsafe working conditions or, worse, lose their life or be maimed for their life because of inefficiencies within a company's system? That is why I support real workforce reform that strengthens worker protections and insists that employers face real consequences when their poor safety standards cause a wrongful death, no excuses, no added waivers, no way to help an employer miss their deadlines and then get away with it.

You cannot put a price tag on life, Madam Speaker, and you cannot put a price tag on serious injury. We can all agree that every worker's life is more precious than a profit. That is why I encourage my colleagues to join me and join the gentleman from New York (Mr. OWENS) in opposing H.R. 739.

Mr. BOEHNER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Madam Speaker, I want to thank the gentleman from Ohio (Mr. BOEHNER) for his leadership in the Committee on Education and the Workforce and the fact that he has been able to pass reasonable legislation that not only helps the employee but the employer and gives us a better business atmosphere in this country. I would also like to thank my friend and fellow Georgian (Mr. NORWOOD) for his leadership in fine-tuning our occupational safety and health laws. The gentleman from Georgia has waged a years-long effort to improve the relationship between small businesses and the Federal Government's regulatory agencies, and for that I thank him.

Madam Speaker, I am a small businessman. I started my own construction business 25 years ago, and that is how I supported my family until my recent election this year to Congress. OSHA regulations are not just an interesting debate topic for Washington dinner parties. For me and the millions of other small business owners, they are tough rules with real consequences. No one wants to regress to the days when workers had few rights and worked in ridiculously dangerous situations with little or no regard for their safety.

In the end, good precautions are good for workers, good for businesses, and good for the economy as a whole. We are not keeping OSHA from enforcing Federal safety regulations with this legislation. We are just ensuring that regulators are fair and reasonable when enforcing regulations.

In the construction business, I worked closely with subcontractors who were small business owners themselves. One of them, a good friend of mine, ran into trouble with OSHA over this very rule that we are debating today in the Small Business Day in Court Act. He and an employee were digging a hole for a septic tank. They made a mistake during the process, and it was a mistake with horrible consequences. The walls of the hole caved in, killing the employee. While my friend was recuperating from and dealing with all the painful consequences that come with the death of an employee when you are a three-or four-man business, OSHA gave him a summons. I think everyone would agree that during those 15 days after the accident, responding to an OSHA summons should not and could not be at the top of his priority list. He missed the deadline; and, of course, under OSHA rules he was not given another chance to defend himself.

This legislation will help small business owners such as this, who run small shops but who employ the vast majority of American workers. They cannot employ full-time OSHA compliance officers and most owners are not going to be experts on the fine print of Federal regulations. When it comes to our Nation's job producers, we should not be tying their hands. We should be giving them a hand up.

I urge my colleagues to support this legislation, H.R. 739.

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

H.R. 739 specifically creates a legal loophole for bypassing the obligation on an employer's part to meet a 15-day deadline for contesting OSHA citations. As such, the bill promotes increased litigation. Given that the OSHA commission already has the authority to review any missed deadlines on a case-by-case basis, such litigation is completely unnecessary. That bears repeating. At present, the OSHA commission relies on its longstanding practice of reviewing, on a case-by-case basis, any missed deadlines. So what is the rationale for this bill?

H.R. 739 is not only superfluous and offers nothing productive that is positive and new; it also negatively serves to delay the timely correction of workplace safety violations and hazards. The 15-business-day timeline for an employer's response was set to encourage speedy removal of work site hazards as well as the expeditious handling of cases. It establishes a reasonable time frame for protecting all the parties. It protects the employers as well as the workers. By contrast, H.R. 739 will needlessly place some workers at greater risk of on-the-job injuries or fatalities.

Let me give you a few concrete examples to illustrate the risk. In March 2003, OSHA began an inspection of Strack, Incorporated, a pipeline company in Atlanta, Georgia. OSHA inspectors had seen Strack employees working in a trench that was up to 12 feet deep. Yet a trench box, designed to protect workers, had been left on higher ground and more than 100 feet away from the site. In May 2003, OSHA issued Strack, Inc. a willful citation with a proposed fine of $44,000 for failure to use a trench box. Fortunately in this case, the hazards were corrected before anyone was killed. As an OSHA inspector put it, cave-ins occur quickly and without warning; and then it is too late to protect workers.

When it comes to trenching, failure to correct hazards in the 15-day required period can have fatal consequences. As Jeffrey Walters of Cincinnati, Ohio, testified before me last year, his only son Patrick died in a cave-in on June 14, 2002, only weeks after OSHA cited the firm Patrick worked for, which is Moeves Plumbing, for willful trenching violations. In fact, Moeves Plumbing had been inspected by OSHA 13 times before Patrick's death. Moreover, another worker had died while digging trenches for the same plumbing company several years before Patrick died in the same way.

All of this is to say that speedy correction of work site hazards cited by OSHA can often mean the difference between life and death. Thus, when OSHA finds a safety violation, it clearly merits immediate attention. I urge my colleagues to vote ''no'' on this bill again.

Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, I rise in opposition to this bill. What sounds like a very small change in the rules could have very large and unwelcome consequences. The way the law works now, if an OSHA inspector noticed the trench that the gentleman from New York just made reference to and gave that employer a notice that the trench needed to be properly put together so it would not cave in, under present law the employer has more than 2 weeks, 15 days, to decide whether to contest that citation. And if the employer fails to contest the citation, the law presumes that the violation ought to stand and there is corrective action taken to try to protect the worker.

Now, sometimes employers do have surprises or accidents or situations beyond their control and they mean to object to the citation, but they fail to do so. They fail to file the paper on time, or they have some other surprise or circumstance. The law, as the gentleman from New York said, already provides for that circumstance. On a case-by-case basis, OSHA is able to say there are special circumstances which justify missing the 15-day deadline. In the law, he or she who has the burden of proof loses.

What this bill does is to shift the burden of proof to OSHA to prove that the 15-day deadline was somehow unreasonable, instead of properly vesting the burden on the employer to show that there was an accident or a surprise that made them fail to hit the 15-day deadline. There is a reason that this deadline is so short. It is because the circumstances that give rise to the violations put people's lives and health at risk. We should not shift this burden. We should not approve this bill. I would urge a ''no'' vote.

Mr. BOEHNER. Madam Speaker, I am pleased to yield 4 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I am proud to support and cosponsor all four of these important pieces of legislation on OSHA reform. Each is an integral step to come to the aid of our small businesses. Not only are our small businesses increasingly faced with greater competition from the bigger competitors in the U.S. but also are they faced with greater competition from across the globe. The last thing they need are unnecessary and burdensome regulations from their own government.

According to a study discussed in the Office of Management and Budget's ''Draft Report to Congress on the Costs and Benefits of Federal Regulations for 2005,'' it is estimated that the, quote, total cost of Federal regulation, environmental, workplace, economic and tax compliance regulation, was 60 percent greater per employee for firms with under 20 employees compared to firms with over 500 employees.

In another recent study, these costs translate to approximately $7,000 in regulatory costs per employee per year. We need to aid our small businesses in being more competitive, not help force them out of business. Certainly the goals of the Occupational Safety and Health Agency to ensure workplace safety and health are laudable and protecting our workers is and must remain paramount. But oftentimes good intentions do not result in the best practices. Our small businesses and our workers deserve better.

H.R. 739, the first of four bills that we are considering today, promotes fairness for small businesses while improving competition and worker safety. It allows the Occupational Safety and Health Review Commission more flexibility to make exceptions to the 15-day deadline when employers must file appeals to OSHA citations. Many of our small businesses unintentionally and innocently miss this arbitrary deadline and can be denied their day in court as a result. While many of our small businesses are struggling to provide their employees with the safest work environments and access to the best health

care and other benefits, they must comply with inflexible regulations such as these. Many small businesses that have unintentionally missed this deadline are simply not able to navigate the complex regulations in order to appeal the OSHA citation.

In January of this year, even the Department of Labor agreed that this deadline is too burdensome and decided it would allow the Occupational Safety and Health Review Commission to have discretion over the 15-day deadline for filing appeals. This was welcome news for small businesses. Now, all we need to do is codify this provision. We are certainly not advocating that every small business be given a pass on this deadline to respond to a citation, but let us be reasonable here and give them the benefit of the doubt by instilling just a little bit more flexibility into these regulations.

Let me also mention these three other bills, H.R. 740, H.R. 741 and H.R. 742, that we are debating this afternoon. Expanding the review board for appeals cases to OSHA from three to five commissioners would speed up the appeals process so small businesses will have their cases reviewed in a timely manner.

H.R. 741 will restore the original practice and congressional intent to ensure that the Occupational Safety and Health Review Commission, or the court, will be the party to interpret OSHA regulations, not OSHA itself. And finally, H.R. 742 will allow small businesses to recover the costly attorney fees incurred if they successfully challenge an OSHA citation. Each of these will help alleviate overbearing regulations that thwart the creativity and entrepreneurial spirit of small businesses.

In past years, each of these four bills has passed the House by good margins. Let us send these provisions once again to the other side of the Capitol and encourage them to act this year to help our small businesses. Jobs are at stake and a vital economy lies in the balance. We must keep our small businesses vital, healthy, and competitive.

Mr. OWENS. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Madam Speaker, I rise to oppose this bill which would give a pass to employers who do not meet workplace safety conditions. We could have taken this opportunity to help hardworking Americans feel a little safer in the workplace, or we could have made today's priority giving some relief to middle-class families who are struggling to keep up with record-breaking gas prices, tuition increases, and health care costs.

Instead, this administration has once again chosen in favor of the corporate sector and the special interests. Their reward in this bill comes at the expense of hardworking employees who depend on OSHA to keep an eye on their working conditions. But when former executives win appointments to regulate the same industries in which they used to work, sound science and smart public policy usually tack a back seat to political favoritism and ideology. This bill creates a new loophole around the 15-day deadline for contesting OSHA citations. It is yet one more corporate handout that could have been better spent on job training, reversing the tide of outsourcing, or raising the minimum wage.

□ 1445

Meanwhile, hard-working Americans are increasingly faced with workplace conditions in which critically important safeguards are watered down, emerging problems are ignored, and enforcement is scaled back.

If OSHA already has the authority to review missed deadlines on a case-by-case basis, why would we need a bill that changes this process in a one-sided way that could further disadvantage workers, encourage litigation, and undermine health and safety protections?

Madam Speaker, I believe the Senate got it right last year when it declined to consider this or any of the other three proposed rollbacks of OSHA's responsibility to hard-working Americans.

I encourage my colleagues to vote against all four of these bills.

Mr. BOEHNER. Madam Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE), a member of our committee.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the opportunity to talk on this bill. I want to commend the chairman for his work in this area and commend the gentleman from Georgia (Mr. NORWOOD), who has labored long and hard on these issues.

Let me make a few points initially before I talk about the merits of the bill. I think it is important for people to appreciate that no one, no one, is interested in trivializing the issue of safety in the workplace. We are interested in improving workplace safety and in holding businesses accountable when they are at fault, not just because. No one is interested in trivializing this issue.

No one is putting a price tag on life. That has been mentioned. No one is putting a price tag on life here, and no one is interested in giving employers a pass.

They also talked about a legal loophole. This is not a legal loophole. What this does is simply put faith in small business, and it shifts the burden of proof to the accuser, where it should be. There was some analogy drawn to a court of law. What this does is shift the burden of proof to the accuser, that is, OSHA, where it should be.

The bill will not weaken OSHA either. It will simply allow small business a fair opportunity for a fair hearing when it is cited, and that is it.

I rise in support of H.R. 739. The magnitude of this bill is huge: 99.7 percent of all businesses are small businesses, 99.7 percent. Seventy-five percent of all new jobs come from small business, three out of every four jobs.

In talking about this before and in researching this, I went back and looked at the original OSHA Act. The original OSHA Act in 1970 said that it was to assure safe and healthful working conditions for working men and women by authorizing enforcement of the standards developed under the act. The mission today as described by OSHA on their Web site is to ensure the safety and health of America's workers by setting and enforcing standards. Do the Members notice the difference? We have shifted who is setting the standards from Congress to a nonelected body. I think this is a lot of power. A lot of power.

The OSHA budget is $468 million, 1,100 inspectors out of 2,200 employees. A lot of power.

As has been mentioned, currently if a citation is given, the employer is given 15 days to respond. This is an arbitrary time frame. Nobody can argue that. There really is no rationale for those 15 days. Why not 5? Why not 35? Why not make it fair to small business? This is a simple commonsense amendment. Eleven words is all the amendment is, 11 words. It would add that ''unless such failure results from mistake, inadvertence, surprise, or excusable neglect,'' 11 little words. A commonsense amendment, which I am sorry to say is oftentimes all too uncommon around here. It does not mean that any citation is null and void. It does not mean that at all. It simply means that small business has an opportunity to get its fair day in court.

So in closing, Madam Speaker, I want to commend once again the gentleman from Georgia (Mr. NORWOOD) for the hard work he has done and the gentleman from Ohio (Chairman BOEHNER) for bringing this issue to the floor.

I urge all of my colleagues to support H.R. 739 and do it for small business and for the employees and jobs in our Nation.

Mr. OWENS. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Madam Speaker, I rise in opposition to H.R. 739. It is part of a package of bills that we have before us today that serve no purpose that I can see but to gut the occupational health legislation record before this Congress.

Current law requires that employers challenge a citation or notice of a failure to abate a hazard within a 15-day time period. There is a reason that this is a short time period. It is because these are serious matters. The short deadline was enacted to encourage expeditious handling of cases and to ensure that the workplace hazards are corrected in a timely manner. The commission already has the ability to review specific cases of missed deadlines in a manner that protects the

rights of employers. In fact, my colleagues defending this legislation said what about unintentional missed deadlines or deadlines that are missed innocently. The commission can deal with that. What we are concerned about are the ones that are missed disingenuously: oh, I forgot; oh, I did not quite get around to taking care of that.

It is clear that H.R. 739 is designed to ease the burden on employers at the expense of the health and safety of workers. This is the dramatic change in policy. My colleague from Georgia said the dramatic change in policy is somehow OSHA has gained regulatory authority. No. OSHA has always had regulatory authority for the last 35 years. The real change is this dramatic change in policy that would delay the employers' responsiveness to the health hazards and increase the time that workers have to work in unsafe conditions.

These measures would make it more difficult for employees to seek redress and would impede the enforcement of worksite safety and health provisions.

Again, this is one of a set of bills that would serve to gut OSHA. It puts aside, really, the seriousness of the matter here. We do not want OSHA to become just an annoyance or a minor delay or an inconvenience or just the cost of doing business. No. OSHA should have teeth.

There are hundreds of thousands, if not millions, of Americans, I do not know who they are, they do not know who they are, who today have their arms, their eyes, their health, even their lives because of OSHA; and they do not know who they are. But they can thank people like Senator Pete Williams from New Jersey and others, who 35 years ago realized that it is the appropriate role of the Federal Government to be involved.

I know there are those who think that it would be better if the Federal Government had never gotten involved in this. I suppose they would say, well, the employee could sit down with the employer and the employee could point out the unsafe working conditions and the employer will surely take care of it because no employer wants his employees harmed. It just does not work that way. It did not work that way for the century before OSHA was passed.

Let me repeat: there are hundreds of thousands of Americans who have their eyesight, who have their arms, who have their health, who have their lives because OSHA has teeth, because OSHA requires prompt remedy to unsafe conditions.

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

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

Madam Speaker, I would like to just say that when we say the Republican majority is trying to trivialize the role of OSHA and the role of safety in the workplace, there is good foundation for this. When this administration took power, the present administration in the White House, one of the first acts that they perpetrated was the repeal of ergonomic standards at the urging of, of course, Republican Members of Congress. They repealed the ergonomic standards that had been in process with a lot of bipartisan development and support over a long period of years.

When the Secretary of Labor was Elizabeth Dole, great steps were made; and slowly we reached a point where we had ergonomic standards to pass. The current Bush Administration's first act was to repeal ergonomic standards, to toss them aside and to send a message that workers in the workplace are not that important, working families are really not important, working conditions in America are not important. The history of OSHA is that step by step they have saved thousands and thousands of lives.

One of the worst industries for safety before OSHA came into existence was the construction industry. The construction industry is still one of the most unsafe industries, but it has made tremendous strides in terms of saving lives as a result of being forced to follow certain kinds of standards by OSHA.

I think we need more light thrown on this subject, and for that reason we have prepared some information for each member of the committee by district, and they can get familiar with the problem in their district with this information that we have compiled.

For example, according to the Bureau of Labor Statistics in 2003, there were 200 worker deaths in the State of Illinois. But in the 13th Congressional District of Illinois, 69.5 percent of all the state's deaths took place. I think the Member of Congress from the 13th district ought to know that and take a look at what has happened in that district.

This packet that we want to prepare for each Member includes a chart detailing the statistics. The chart also lists the worker deaths according to the industry the person worked in and also the type of incident that was responsible for their death: was it a fall, contact with equipment, et cetera. The information is also broken down between government workers and those working in the private industry. This packet also includes a census report for each one of the districts showing how it relates to the surrounding areas, et cetera.

We will prepare this for each Member to just let them know how serious a matter this is in terms of their own immediate districts. We think working families in America should not be treated as if they lived in a Third World country, and a lot of Third World countries mores are being attempted by certain U.S. industries.

Particularly the construction industry, the construction industry looks for the most vulnerable people, immigrants. Illegal immigrants are employed in large numbers in the construction industry. And I come from a city where 40 percent of all male blacks are unemployed, according to two studies, two studies that confirm that 40 percent of all male blacks are unemployed. Yet there is a tremendous amount of construction going on, and if we go around the construction sites, we will find that the workers doing the manual labor, unskilled labor, are immigrants; and in many cases there are tremendous accidents, and these people are shuffled off and frightened and intimidated to the point where they never even report it. They do not have any workman's compensation, let alone feel that they have the right to be protected under the OSHA laws.

A review of more than 2,500 OSHA construction site inspection records in New York State from the year 2003 found that nearly one third of all OSHA construction violations in the State were of scaffolding or fall protection requirement violations, more than any other standard. The organizations involved in the analysis also said the results of this study as well as a separate review reveal troubling data about the plight of immigrant workers in the construction industry.

Their analysis, titled ''Lives in the Balance—Immigrants and Workers at Elevated Heights at Greatest Risk in Construction,'' was prepared by the New York State Trial Lawyers Association and issued by the New York Committee for Occupational Safety and Health and the Association of Community Organizations for Reform Now, called ACORN. Two other organizations Make the Road by Walking, and the New York Immigration Coalition, also sponsored the study.

□ 1500

The study reviewed all construction site OSHA inspections conducted in the State during 2003. Now, personally, I know and I have related on this floor, the total accidents that have taken place since then in New York City. Five immigrant workers lost their lives in a trench that was being constructed without proper safeguards.

I want to repeat that there is a class problem developing in America. There is a class problem. Those in power are insensitive to the needs of those who are out there working on the front lines, whether it is in domestic service or in dangerous jobs like construction, trucking and a number of chemical plants. These are dangerous jobs, but they have to be done. Our industries cannot survive without people who work in those dangerous jobs. They deserve all the protection we can give them. Just as the soldiers on the front lines in Iraq, Afghanistan or anywhere else always deserve the best that we can give them. Every soldier is automatically a hero when he goes out to fight for his country, because for every one who goes out to fight, there are a few hundred thousand left behind who will never be called. We should recognize and honor those who go out to fight. Therefore, the best armor protection, the best bullet-proof vests, all of

the things that are available to protect an individual's life should be available to those who go out to fight.

What we have found in this present war in Iraq is that people on the top, with their class-conscious sentiments at work, did not provide at first the kind of protection that should have been provided to the soldiers on the front lines out there. The soldiers come from the same working families. I cannot stress enough the need for all Americans to recognize that we are all in this together.

We have a governor of New York State now whose son was in the National Guard in a program that required that, once he came out, he had certain duties and obligations. This governor's son now is asking for a waiver. He does not want to go to Iraq; he wants a waiver. What kind of a message is that sending to all of the mothers and fathers of young men and women who have gone off to fight in Iraq in terms of our society? The person with the power does not want to make a sacrifice of his son.

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

Madam Speaker, let me remind my colleagues what this small, innocuous bill does. It says to the Secretary of Labor and to OSHA that the arbitrary, 15-day deadline that is in the statute for complying with an OSHA citation or to respond to OSHA can, in fact, be waived under special circumstances, if OSHA believes that the employer missed it by accident or had other extenuating circumstances, they have the option of extending the 15-day deadline. That is all this bill does.

Now, some of my colleagues on the other side have suggested, well, no, they already have this authority. But the fact is, they do not. The ability of the commission to waive a deadline on a case-by-case basis when circumstances warrant it have been drawn into increased legal uncertainty by the recent decision of the U.S. Circuit Court of Appeals for the Second Circuit in Chao v. LeFrois Builder, Incorporated, and indeed, as recently as 2003, OSHA has argued that OSHRC does not have the authority to apply this rule.

So we think that voluntary cooperation between OSHA and the employer community will, in fact, lead to a safer workplace. And as the chart showed that I displayed earlier, workplace injuries and fatalities have continued to decrease in each year of the Bush administration.

Let us make this commonsense change to help employers and their workers achieve a safer workplace.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in opposition to these measures. This legislation moves in the wrong direction for worker safety.

We are spending valuable time changing small portions of OSHA to overturn court decisions and tweak the law to benefit industry.

I'm not sure we should be spending time addressing all these small issues when we know that reporting requirements are a problem and we could be doing something about it.

It doesn't matter in which facility these accidents occurred. The fact is people should know if an accident has occurred and the company managing the site should report it whether contract workers were involved or not.

If someone is seriously injured at my home, regardless if I'm at fault, there will be a report by the paramedics or the police and it will list my residence.

In March, fifteen people were killed in a refinery accident in Texas City. None of them will be on the injury site log because the law doesn't require them to list contract workers.

Since 1991 we've known reporting requirements should be changed to include contract workers. The report recommending this was sanctioned by OSHA under the first George Bush's administration.

There is no reason the Republican leadership couldn't allow at least some discussion on the reporting issue today. People have the right to know if they are applying for a job at a facility that has a poor safety record.

We should be talking about real issues instead of making things just a little better for industry. We've known about this problem for 14 years. That's too long to avoid making a simple change to the law to require site-based reporting of injuries.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to speak in opposition to H.R. 739, a bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudication flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration. In essence, this bill would amend current law to authorize the Occupational Safety and Health Review Commission (OSHRC) to make exceptions to the 15-day deadline for employers to challenge OSHA citations if the employer's failure to meet this deadline is due to a "mistake, inadvertence, surprise, or excusable neglect."

This would weaken the ability of the Occupational Safety and Health Review Commission to enforce the current deadline and would encourage increased litigation and disrupt OSHA's ability to address workplace hazards in a timely manner. OSHA is already "astonishingly ineffectual" in protecting workers' lives. In the past 20 years OSHA has failed to seek criminal prosecutions in 93 percent of the cases where employers' willful and flagrant safety violations ended up killing workers. (New York Times/December 2003). Furthermore, according to a recent GAO report, since 1996, OSHA has cut resources dedicated to enforcement by 6 percent.

The U.S. lags behind other western nations in protecting workers' lives. A U.S. construction worker is 4 times more likely to be killed on the job than one in Denmark. (Center for Worker Rights 2004). As a New York State Supreme Court Judge observed: "Why Congress has adopted such a spineless response to industrial malfeasance is best left to voters to assess." (Newsday, 1/15/04).

As responsible Members of congress, we cannot afford to vote for this bill. I urge my colleagues to oppose H.R. 739.

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

The SPEAKER pro tempore (Mrs. WILSON of New Mexico). All time for debate has expired.

Pursuant to House Resolution 351, the bill is considered read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 740) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 351, the bill is considered read for amendment.

The text of H.R. 740 is as follows:

H.R. 740

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 "Occupational Safety and Health Review Commission Efficiency Act of 2005".

SEC. 2. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) INCREASE IN NUMBER OF MEMBERS AND REQUIREMENT FOR MEMBERSHIP.—Section 12 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 661) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking "three members" and inserting "five members"; and

(B) by inserting "legal" before "training";

(2) in the first sentence of subsection (b), by striking "except that" and all that follows through the period and inserting the following: "except that the President may extend the term of a member for no more than 365 consecutive days to allow a continuation in service at the pleasure of the President after the expiration of the term of that member until a successor nominated by the President has been confirmed to serve. Any vacancy caused by the death, resignation, or removal of a member before the expiration of a term for which a member was appointed shall be filled only for the remainder of such term."; and

(3) in subsection (f), by striking "two members" each place it appears and inserting "three members".

(b) NEW POSITIONS.—Of the two vacancies for membership on the Occupational Safety and Health Review Commission created by subsection (a)(1)(A), one shall be appointed by the President for a term expiring on April

27, 2008, and the other shall be appointed by the President for a term expiring on April 27, 2010.

(c) EFFECTIVE DATE FOR LEGAL TRAINING REQUIREMENT.—The amendment made by subsection (a)(1)(B), requiring a member of the Commission to possess a background in legal training, shall apply beginning with the two vacancies referred to in subsection (b) and all subsequent appointments to the Commission.

The SPEAKER pro tempore. Pursuant to House Resolution 351, the amendment in the nature of a substitute printed in the bill is adopted.

The text of the amendment in the nature of a substitute is as follows:

H.R. 740

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 ''Occupational Safety and Health Review Commission Efficiency Act of 2005''.

SEC. 2. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) INCREASE IN NUMBER OF MEMBERS AND CRITERIA FOR MEMBERSHIP.—Section 12 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 661) is amended—

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(B) by inserting ''legal'' before ''training'';

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(c) EFFECTIVE DATE.—The amendment made by subsection (a)(1)(B) shall apply beginning with the 2 vacancies referred to in subsection (b) and all subsequent appointments to the Commission.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

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

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 740.

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

There was no objection.

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

Mr. Speaker, the second bill we will debate is another narrowly-crafted bill that addresses a specific problem we found in the OSHA law.

For nearly two-thirds of its 30-plus years of existence, the Occupational Safety and Health Review Commission has been undermanned and unable to function properly. Now, because a quorum of two out of the three total commissioners is needed for timely decision-making, the Commission has in the past been unable to act simply because a quorum was not present.

There are a number of reasons for this. The appointment process is sometimes controversial, leading to vacancies, and sometimes commissioners must recuse themselves from considering cases, meaning even if there is only one seat open, there is often no working quorum. For too much of its history, the Commission has been unable to gain a working quorum and, as a result, is simply unable to function, despite being otherwise fully staffed. The Occupational Safety and Health Review Commission Efficiency Act increases the membership of the Commission from three to five members to ensure that cases are reviewed in a timely fashion.

Increasing membership to five commissioners will help ensure that cases are reviewed in a more timely fashion, improving the current system of judicial inactivity that only results in government waste. In short, it will allow the Commission to complete its job by reducing the case backlogs that are as much as 8 years old. Now, the Commission's sister agency, the Federal Mine Safety and Health Review Commission, has 5 panelists, and we have found has worked well in reviewing cases more efficiently. Lastly, the bill permits incumbent members whose terms have expired to stay on until a replacement can be confirmed by the Senate, and most vacancies occur during these turnovers.

The U.S. economy is improving more and more, and employers are hiring new workers each and every month. Last week, the Labor Department reported that 3.7 million new jobs have been created since May of 2003. We want small businesses hiring more workers and contributing to our economy, not facing years of OSHA-related litigation if they cannot resolve it simply because the Commission has an endless backlog of cases. This bill simply ensures that OSHA cases are resolved in a timely and efficient manner, a goal that we all should support. Employers who make good-faith efforts to comply with OSHA standards deserve to be treated fairly and have their day in court, and this measure will help ensure that they receive that opportunity.

Mr. Speaker, I ask my colleagues to support the bill.

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

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the ranking member of the committee, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him so much for his service to this committee and for his constant support of workers' rights, workers' health and safety, and the protection of their families if they are injured on the job.

The Occupational Safety and Health Act has substantially improved the safety of the American workplace to the benefit of the American worker. Far fewer workers are killed or injured today than was the case before the law was enacted. Despite this progress, too many Americans continue to be sick or injured or killed in workplace accidents that could or should have been avoided.

Every day, 15 workers are killed on the job. Another estimated 50,000 to 60,000 die every year due to occupational illnesses. Hundreds of thousands of workers face serious injuries on the job every year. Liberty Mutual, the largest workers' compensation insurance company, estimates that the direct cost of occupational injuries and illnesses is $1 billion a week.

Two major workplace tragedies, one in Texas this year and the other in Ohio last year, underscore the need to strengthen, not weaken, the health and safety laws of this country.

On March 23 of this year, a huge explosion at the BP Amoco Texas City refinery killed 15 workers and injured 170 others. Although BP initially blamed contract workers for the explosion, it now appears that faulty equipment played a major role in this catastrophic blast. As it turns out, the BP Amoco refinery in Texas City has been a repeat safety violator.

Repeat safety violations also played a key role in the deaths of four iron workers when a massive bridge crane collapsed near Toledo, Ohio, in 2004. The contractor Fru-Con failed to address urgent issues with anchoring the crane properly raised by the crane's European manufacturers. OSHA fined Fru-Con $280,000 and cited the contractor for willful safety violations.

Rather than taking decisive action on behalf of hardworking employees, like increasing the minimum wage, stopping runaway pension terminations or expanding access to health care, these bills do nothing more than jeopardize the health and safety protections of employees on the job.

H.R. 742 significantly diminishes the protections of Occupational Safety and Health by discouraging OSHA from even enforcing the Occupational Health and Safety Act and punishing taxpayers unless the agency, like Perry Mason, can win every case. That simply is not going to happen, and this bill weakens workers' protections.

H.R. 740 unnecessarily expands the size of the Occupational Health and Safety Review Commission, and H.R. 741 weakens the fundamental responsibilities of the Secretary of Labor. It contorts the law and confuses enforcement responsibilities of both the Secretary and the review commission.

Finally, H.R. 739 creates a legal loophole for employers' obligations to meet the 15-day deadline for contesting an OSHA citation or notice of a failure to abate a hazard. The deadline for an employer's response was set at the 15-day mark to encourage both a timely correction of cited workplace hazards and expediting the handling of cases. The commission already has the authority to review any missed deadlines on a case-by-case basis in a manner that protects both employers and workers.

We have an obligation to help hardworking Americans and their families to have a safe and healthy workplace. These bills do the opposite. Taken together, these bills will significantly weaken OSHA enforcement laws, and I urge my colleagues to oppose H.R. 742, 741, 740 and 739.

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

Mr. Speaker, I appreciate the previous speaker. I know he is really busy today and had to go ''no'' on all four bills, but maybe I can refocus us just a little bit and explain that we are on one bill right now, and it is a very simple bill. It is H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005. Maybe we can concentrate just on this bill now for this hour and understand that this is a badly-needed change in OSHA unless you do not believe OSHA ought to work, unless you do not believe that the OSHA Commission should be in place.

This legislation is especially timely. In April, the Occupational Safety and Health Review Commission's term expired, placing the Commission in the same position it has been in for almost two-thirds of its existence; now, listen to me: almost two-thirds of its existence for the last 34 years undermanned and unable to function properly. Well, why is that important? It is not. It is only important to someone who has a citation hanging over their business, hanging over their head, and you cannot get the review commission to operate. It is clearly, after 34 years: No, we understand it does not work. Half of the time they cannot do business.

H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act, increases the size of the Occupational Safety and Health Review Commission from three members to five. My goodness. We really need to spend a lot of time debating this.

□ 1515

We are actually going to change this commission, like most commissions in the Federal Government, and change it to five members so it finally can do the job that the Congress in 1970 wrote into the law they wanted it to do. What an extreme bill this is.

The bill changes the quorum requirements from two members to three members, and allows the President to consider legal training, in addition to education and experience, as criteria in selecting an individual to serve on the board.

Finally, H.R. 740 allows a confirmed member of the commission to continue to serve for up to 365 days to prevent the breaks in service that occur when a Senate confirmation is not concluded in a timely manner. Does that mean every time somebody retires this commission goes out of business, because we cannot get the Senate to do its job? That does not matter to anybody except the small business who has a citation hanging over their head that the government will not deal with.

The committee heard testimony in the 108th Congress that because of the vacancies, the commission has been nonfunctioning for two-thirds of 30-plus years of its existence. Now, listen to that, for pity sakes. The commission that you are trying to protect has been nonfunctioning for two-thirds of the 30 years of its existence. Why in the world would you want to protect the present-day system?

Given that the creation of the commission was the catalyst for the passage of the OSH Act in 1970, there never would have been an OSHA had not this particular provision been in this review commission. And now you do not want it to work. We are trying to change that.

I believe it is important to prevent the commission from being stalled and unable to rule on cases when there is a gap in appointees. That does not serve employees or small employers well at all.

Let me make one final point. My colleagues on the other side have been very critical of the inclusion of legal training as a qualification for commissioners, criticism that I cannot understand.

Mr. Speaker, OSHRC is an adjudicative body. Legal training is therefore important because the commission writes opinions that will be reviewed by the courts if a finding is challenged. I would certainly think our Democratic lawyers would agree and understand that. But I would note that legal training is but one of three criteria the President could review before appointing a commissioner, that would mean a Democratic President or a Republican President.

Nothing in this bill suggests or requires that every member of the commission be a lawyer. The simple fact of the matter is this: when the commission is unable to rule on cases, resolution does not occur in a timely manner. That is unfair and that is wrong.

This is unfair to all parties and drastically undermined congressional intent from 1970. In the 108th Congress this bill passed the full House with bipartisan support by 228 to 199.

I urge passage again this year. And I will say, if you live in a district where there are no small businesses in that district, then I would vote ''no'' on this. But if I had any small businesses in my district, I would give it some serious consideration.

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

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to H.R. 740 because workers deserve to know that their interests will be heard without biased judgment by the Occupational Safety and Health Review Commission.

Grieving families across America depend on OSHA to stand up for them and for their deceased and injured loved ones. But this legislation will threaten one of the only hopes that families have for justice when a loved one is harmed at work.

By increasing the membership of the commission from three to five, the administration could actually play politics with the commission, filling it with antiworker safety appointees, making it more difficult to reach a quorum than now. The very idea that it is simpler to get a three-member quorum than a two-member quorum makes no sense. If you cannot fill a quorum when you only have three, how are you going to fill it when you have five?

Since President Bush took office, it has been really clear that he intends to use OSHA to protect employers rather than employees when addressing worker safety. Why then would we believe that he would appoint members to the commission that would steer the commission toward helping the employee rather than the employer?

Employees need to know that business interests are not the primary basis of the OSHA Review Commission. The size of the OSHA Review Commission has no meaning in the face of employee health and safety, in the face of death and injury. What does it matter to the worker the size of the business or how many members sit on a commission? Death is death. Injury is injury. That is what we should be talking about, protecting our workers.

Mr. Speaker, this legislation is not what workers need or want. Their grievances must be taken more seriously than these little fixes here and there in the OSHA review. If you cannot sit three members, why could you sit five? Think about it. That is why I urge my colleagues to oppose H.R. 740.

Mr. NORWOOD. Mr. Speaker, I yield myself 1 minute. I would just like to mention to the gentlewoman from California (Ms. WOOLSEY) that this bill is not about death. It is simply about making OSHA work, making the commission work. It is as simple as that.

If you want to be against making OSHA actually work, and the review commission doing the job that the Democratic Congress wrote in the bill in 1970, then vote ''no.''

Mr. Speaker I yield 3 minutes to my good friend, the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I once again want to commend the gentleman from Georgia (Mr. NORWOOD) for his wonderful and excellent work in the area of worker safety and his real

concern for making certain that the rules under which we ask businesses and employees to work are workable.

We are all interested in workplace safety. We have got to get that on the table as often as possible. We are all interested in workplace safety.

Now, the gentleman from California (Mr. GEORGE MILLER) made some very moving and interesting points. The problem is, they do not have a thing to do with this bill, not a thing to do with this bill. We have just heard that grievances should be heard. That is a concern of somebody opposed to this bill, that grievances should be heard.

Well, we agree. The grievances should be heard. But as you heard from the gentleman from Georgia (Mr. NORWOOD), two-thirds of the time the commission has been unable to sit for a variety of reasons, not the least of which they have been unable to seat a quorum.

And then the question is raised: If you cannot sit three, how can you sit five? No, the question is, if you cannot sit two, how could you sit three? Well if you add two people to the commission, to the review commission, then it makes all of the sense in the world that you have made it easier to reach a quorum.

Mr. Speaker, I think it is also important that we keep in mind the magnitude of the discussion that we are talking about and why these things need to be fixed: 99.7 percent of all business is small business, 99.7 percent. And 75 percent of all new jobs in this Nation have been created in small businesses.

Small business owners, they work hard and they drive our economy. In this instance, regarding 740, I rise in support of H.R. 740 because if those small business owners are not working, they are not producing. If they are not producing, then jobs are not being created.

Once cited by OSHA, an employer deserves his or her expeditious day in court. And with the current membership of the review commission, it is often, we have heard extremely often, difficult to end that process. There are some cases that are before the commission right now that have been there for over 10 years, over 10 years. That is not fair to employers; that is not fair to employees.

So I rise and say that increasing the review commission will help small businesses, and it will increase the safety of workers; and I urge my colleagues to support H.R. 740.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York (Mr. OWENS) for yielding me this time.

Mr. Speaker, I would be remiss if I did not tribute my friend from New York (Mr. OWENS) for his years of advocacy for working people generally and in worker safety specifically.

Year after year, month after month, the gentleman from New York (Mr. OWENS) has come to this floor and raised these issues with great clarity and passion, and we very much appreciate his contribution in this area.

Mr. Speaker, I also appreciate the efforts of my friend from Georgia (Mr. NORWOOD) who is the author of the bill. I never thought I would see the day, I must say, Mr. Speaker, to the author where he would propose a bill that could create two jobs for lawyers.

On behalf of our profession, I guess we have to express our appreciation. I do want to note my three bases of objections to the bill. The first is it does provide the opportunity for what we might call court packing. It does provide the opportunity by expanding the commission from three members to five, that we would find a fishing expedition for two members that would be more attuned to the ideological predilection of the administration.

I do not think either a liberal or conservative administration should have the right to pack the commission. I think expanding to five members runs that risk.

Secondly, I am concerned about the undue reliance upon legal training. The language of the bill does not expressly require the appointment of lawyers, but it does indicate that the principal consideration for appointment is legal training or the lack thereof.

There are many positions in the Federal administrative service that are very complex that are adjudicatory in nature that do not require formal legal training, and I do not believe that these positions should either.

I would note for the record that none of the nonlawyers appointed to this commission in its history have been appointed by Democratic administrations. All of the nonlawyers appointed, to my knowledge, have been appointed by Republican administrations. So my objection is not partisan or ideological. I think that the door should be wide open for people of all backgrounds and ability to serve on the commission provided they are qualified.

My third objection has to do with what appears to be a minor provision, but could be a major provision. It appears that the language would permit two members of the commission, now it is expanded to five, only two members of the commission to transact business on behalf of the commission.

I do not know of really any other decisionmaking body in the Federal structure where a minority of the members can make an affirmative decision. I know of institutions where a minority can veto a decision, bit I am not familiar with a situation where two members out of five could in fact act on behalf of the commission. I have a concern about that as well.

So for these reasons I would urge opposition to the bill.

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

Mr. Speaker, the gentleman from New Jersey (Mr. ANDREWS), my good friend, and believe me he is, I want him to be well aware that I am not certainly trying to hire two lawyers. You can be certain of that.

But we do think some legalese is advisable on the commission. But being a lawyer is only one of three criteria. I know that you know that. The other part that I just want to mention to you is that when we changed this commission to have five members so it actually will work, if you have got a better idea how to make a commission work that is totally useless right now, with three members, of course I have always been open to hear that, but we think five may well do it; but it will take three members to form a quorum, not two.

That is for sure. I appreciate you bringing that up so I can clarify that.

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

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

Mr. Speaker, I want to sum up and repeat, because I think it deserves repeating. First and most importantly, no one has really shown a need to increase the size of the commission from three to five members. We find it very unusual that the majority party with great emphasis on saving dollars on education and a number of much needed programs, wants to waste a little money on two additional members, create a little bit more of a bureaucracy by having two more members to make a decision. Instead of five people, three people can make this decision.

They have been functioning with three members since the creation in 1970. Why should it be any different now?

□ 1530

Given the enormous deficit spending promoted by this Republican majority, there is no real purpose in adding members and swelling the ranks.

Last but not least, I find it quite ironic also that my colleagues on the other side of the aisle want to tack on the requirement that the commission members have legal training. I think you have heard the expression that our colleague, the gentleman from Georgia (Mr. NORWOOD), often makes about the government being over burdened with lawyers. So I am surprised to hear that the leaning of this bill as we read it would certainly require more appointment of lawyers or somebody similar to lawyers. There is no demonstrated need for such a requirement. There is no demonstrated need for this particular addition to the bill.

The capacity of OSHA to produce cases is steadily shrinking as a result of the steady chip-away strategy of the Republican majority. They have chipped away at the budget every year. OSHA is far smaller and far less effective than it was when the Republican

majority took power in the House. Certainly that was accelerated when the Republicans took control of the White House as well as the House.

So OSHA is under attack in a way which produces less work for such a commission. Why should we increase the size of the commission when there is less work for it? It is part of the pattern to chip away in every little way and trivialize what OSHA is all about. At the same time, the only parts of the Department of Labor that are being increased are those parts that are aimed at attacking organized labor, the organizations that represent working families. We happen to know there is a great push on to drive the unions into the ground with trivial audits, financial audits mostly, of petty cash, the receipts for cab fare and receipts for lunch. Various efforts are underway at this point to force labor unions to defend themselves from bookkeeping errors.

The same kind of zeal needs to be expressed in the way that OSHA is staffed and manned to provide the basic necessities to keep our workplace safe for our workers.

Let us just discuss for a moment the 2,578 OSHA violations in Georgia in 2002. The Occupational Safety and Health Administration in 2002 issued an average of seven citations a day to Georgia businesses that year. OSHA found 2,578 violations of its rules during 1,481 inspections of companies operating in Georgia and documented more than 50 workplace deaths in that year.

In 2001, OSHA issued 2,962 citations, more than eight a day, and 1,596 inspections in Georgia. So 2002 had improved a bit from 2001. But I think it would be good if Members got in touch with what is happening in their States and in their districts.

The Atlanta Business Chronicle documented this information in an article published March 23, 2003. At that time, the Atlanta Business Chronicle had documented safety concerns in three of Georgia's largest companies, the Home Depot Incorporated, the Georgia Pacific Corporation, and United Parcel Service Incorporated. But as OSHA records show, safety is a widespread concern among many Georgia companies.

On February 24, OSHA issued a list of 14,200 U.S. facilities that had accident and illness rates at twice the national average. The national average is about three illnesses or injuries for every 100 workers that are serious enough to cause employees to lose time from work. Included in OSHA's list were 563 workplaces in Georgia, and more than 200 of them were in the Atlanta metropolitan area. Wal-Mart stores, the Nation's largest retailer, had the largest single number of Georgia facilities on the list, 11. Of the companies based in Georgia, United Parcel Service had the most facilities on the list with 174 nationwide.

Out of all the Georgia companies during 2003, Durango-Georgia Paper Company in St. Mary's was fined the most by OSHA. OSHA assessed Durango-Georgia $258,000 after an August 19 boiler explosion that killed two workers and injured one. OSHA found 48 violations during an investigation of that accident. In addition to the safety violations that contributed to that explosion, OSHA cited the company for allowing employees to work at heights of up to 50 feet without fall protection and for requiring employees to stand on a conveyor belt to remove jammed logs without adequate protection against being caught in a machine.

It was not the first large fine against that paper manufacturer. OSHA fined the company $157,000 after an accident had resulted in the double amputation of a worker. In 2000, the company had paid $220,250 for 12 citations. The pattern goes on and on.

The American workplace is not a safe place. It becomes more complicated all the time. The new chemicals, new machines, and new challenges, the building of houses, buildings and facilities at higher heights, for example all lead to complications. We talk about small businesses, and it is true that a large number of construction businesses are small businesses. That does not make the work that their workers do any less dangerous. The fact that they are a small business does not remove the fact that their workers must use scaffolding. Small business workers have trenches that they dig. They are doing work that is very dirty and very dangerous. The workers in small constructin firms deserve protection.

Small contractors are also the ones who are most likely to disobey immigration laws and have large numbers of people who are illegal immigrants working in their facilities. And therefore, I have noted before we have a noticeable large number of deaths of immigrants in the construction industry. And this is not confined to Georgia or any one State. This spreads right across the country.

The employers of construction companies know that they can save money by disobeying the law and using illegal immigrants. So it has become a major problem. Again, the working families of America deserve better.

We have come to the point where our economy is compared to other economies in our global partnerships around the world. We compare ourselves and say, Oh, it is awful that we cannot compete better with China. Well, China was organized as a country which has dictatorship of the proletariat. Dictatorship of the proletariat meant workers were going to be charge. All of the unions in China are collapsing to the government. China produces a large part of its consumer goods in prisons. They produce a large part of their consumer goods in factories where workers are paid less than a dollar a day.

It is not useful for us to invoke the third world countries, the developing countries and China—I do not know what China would be categorized as—with exploiting companies and decide that we ought to be more like that so we can be more competitive. Some allege that one way we can be more competitive is to make the workplace less safe, by providing employers with a situation where they do not have to worry about workers' safety. China—as a dictatorship—can do what they want to with their workers. They can continue, as I pointed out, pay workers the lowest possible wages, and they can also not spend any money on guaranteeing worker safety.

So given the fact that we are on the floor for the second time in 2 years with these four bills, it is an opportunity for us to educate our colleagues as to the seriousness of the current situation in the American workplace today. We must be more sensitive to the fact that our working families are out there suffering. Our health care situation does not get any better. We need to come to the rescue of private enterprise in terms of their pension funds collapsing. And their health care systems are so expensive that they are now calling for help from the government.

All of this is part of a threatening and more intimidating atmosphere that mushrooms all the time against the interests of working families. And the attack on OSHA, which is consistent, the harassment of OSHA, the downgrading of OSHA, the chip-away erosive effect of OSHA is all part of that pattern.

A Department of Labor which declares it has no money to really have an OSHA that functions appropriately is the Department of Labor which has managed to spend a great deal of money on the faith-based initiative. We noticed that large amounts of money from the Department of Labor have gone to faith-based initiatives over the last few years, and that is a great mystery as to how that money was doled out, under what criteria was it given to certain faith-based organizations. I think one got more than $1 million. It was on the front page of the New York Times. The Department of Labor had given a grant to one faith-based group for more than $1 million, and we do not know what it is the DOL is doing here. This all happened right before the November 2004 election. So the Department of Labor is being used for some good purpose for some group or some persons, but it is certainly not being used as the advocate for working families. And today's exercise is just one more example of how the drum beat goes on. The effort continues to minimize and trivialize that which is most important for working families in this country.

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

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

Mr. BACA. Mr. Speaker, I rise in opposition to H.R. 740 and the three other OSHA bills under consideration today.

Republicans are suggesting that our laws are hurting American jobs and productivity. How can that be so when we continue even now to push for CAFTA that would outsource additional jobs outside of this area, not to mention many of the other jobs that we have lost? It is untrue. It is bad enough that millions of Americans are being shipped overseas. We cannot afford to lose any more jobs. We have got to keep them here in the United States.

Now the Republicans want to weaken the protection that exists for our Nation's workers, our Nation's workers, working families and others who deserve the right.

Last year, Republicans passed FCC and ETI, a bill that gave tax breaks to companies that moved to China and India, and I state that, moved to China and India. Half the time the consumers do not know who they are talking to when they pick up the phone because they are from some other company.

Republicans need to stop confusing people on the reason why jobs are leaving the mainstream and are being sent to mainland China. We should put the blame for losses in California and across the country where it belongs, and I state where it belongs. They failed, the policies of this administration, the President's so called compassionate conservatism has cost us 3 million jobs, and I state, 3 million jobs. That is American jobs that we could put on working families. Please end this compassion.

Remember that it was the President Bush's top economic advisors who claimed that sending American jobs overseas is a good thing. Well, we know it is not a good thing to American workers here and what it does to them.

Weakening American labor standards and allowing American workers to be exploited as they are in third world countries is not the solution. That type of thinking would put boys and girls out of the classroom and into the coal mines? These four bills are anti-worker, and I state, anti-worker, anti-safety, and they weaken the health and safety laws. And they hurt the American workers and working families.

H.R. 739 weakens enforcement of the health and safety legislation by dragging out the debate for imposing penalties.

H.R. 740 weakens worker protection by packing commissions with partisan appointees who agree with the President's anti-workers agenda, and I state, partisan appointees who agree with the President's anti-workers agenda.

H.R. 741 encouraged frivolous challenges to labor law rules and interpretation. H.R. 742 requires OSHA to pay attorneys fees for employers that win cases against OSHA.

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However, these companies do not pay OSHA when they lose. Therefore, employers have nothing to lose by challenging those violations in court.

The real losers under this legislation are the American taxpayers, American workers, American families in this country, American people who work to make our country great.

As you can see, all four bills are antiworker laws, and the only way to justify them is to trump up charges that worker protection laws are costing American jobs and hurting American productivity. That is not true, because it is American families, American workers who have made this country great. We need to keep them here, and we need to protect them here in the United States.

Mr. Speaker, I urge my colleagues to oppose all four of these anti-OSHA bills.

Mr. Speaker, I rise in opposition to H.R. 740 and the other three OSHA bills under consideration today.

Republicans are suggesting that our laws are hurting American jobs and productivity.

This is untrue. It's bad enough that millions of American jobs are being shipped overseas.

Now Republicans want to weaken the few protections that exist for our Nation's workers.

Last year, Republicans passed the FSC/ETI bill that gave tax breaks to companies that move to China or India. Republicans need to stop confusing people on the reasons why jobs are leaving Main Street and being sent to mainland China.

We should put the blame for job losses in California and across the country where it belongs: the failed policies of this administration. The President's so-called compassionate conservatism has cost us 3 million jobs. Please end the compassion!

Remember that it was President Bush's top economic advisor who claimed that sending American jobs overseas is a good thing.

Weakening America's labor standards and allowing workers here to be exploited as they are in third world countries is not the solution. That type of thinking would take boys and girls out of the classroom and into the coal mine.

These four bills are anti-worker and anti-safety. They weaken health and safety laws and hurt American workers.

H.R. 739 weakens enforcement of health and safety regulations by dragging out the date for imposing penalties.

H.R. 740 weakens worker protections by packing the commission with partisan appointees who agree with the President's anti-worker agenda.

H.R. 741 will encourage frivolous challenges to Labor Department rules and interpretations.

And, H.R. 742 requires OSHA to pay attorney fees for employers that win cases against OSHA. However, those companies do not pay OSHA when they lose. Therefore, employers have nothing to lose by challenging most violations in court.

The real losers under this legislation are American taxpayers and American workers.

As you can see, all four bills are anti-worker laws. The only way to justify them is to trump up charges that worker protection laws that are costing American jobs and hurting American productivity.

Mr. Speaker, I urge my colleagues to oppose all four of the anti-OSHA bills.

Mr. NORWOOD. Mr. Speaker, how much time do we have left on each side?

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Georgia (Mr. NORWOOD) has 17½ minutes remaining, and the gentleman from New York (Mr. OWENS) has 4½ minutes remaining.

Mr. NORWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time and for his leadership.

Mr. Speaker, we just heard about how antiworker this legislation is, as well as the other three bills; but I would like to clarify a few things. This is not an antiworker agenda. What this does is simplify the rules that govern OSHA.

Now, there seems to be some thought that this legislation is going to make it more dangerous for workers or that it is antiworker, and that is really not the case. What we are trying to do is smoothly process the help that OSHA should be giving to employers for a safe workplace. There is no economic benefit for employers or those who keep and create jobs in America to want injured workers.

Quite the contrary. If a worker gets injured on the job, their insurance rates go up, there is loss of productivity, and quite often, small employers especially, hire family members. The last thing they would want to do is to go to the next family reunion and explain why their brother-in-law or their sister or some member of their family was injured on the job.

What we would like to see is a cooperative effort between the OSHA folks and people who keep and create jobs in America, working together for a safe work environment. One of the ways you do that is you have the timely processing of cases so that you do not have a backlog. This particular bill would simply help that backlog be alleviated.

This is a pro-worker piece of legislation. It does more to keep and create jobs in America than anything I have heard from the opposition both today and for the balance of this year. So I am very pleased to be supporting this piece of legislation.

I want to make the point that it is a pro-worker agenda that we are moving forward here because it will help us keep and create jobs in America.

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

The two speakers prior to me have raised the question of outsourcing, and other people have challenged the relevancy of that topic to this particular set of bills. Every statement I read from industry complaining about the competitive edge that other nations have mentioned the fact that our environmental laws and our safety laws and our minimum wage, that combination, puts them at a disadvantage. So it is logical to conclude that part of the exercise today is to take away one of those disadvantages, to the degree it can be accomplished. And if you have

to chip away at it with bills like this and remove worker safety as an expense that has to be undertaken. This civilized nation was built by workers and the workers deserve to have a fair break. But those that want to reduce us to the level of Third World nations or want to imitate China are going to pursue the kinds of bills that we have before us today.

So I want to just conclude with another section from the report of the AFL–CIO, their annual report on worker safety. I just want to read a few excerpts, which I think are excerpts that are important to educate our Members.

More than 306,706 workers can now say their lives have been saved since the passage of the OSHA Act in 1970. Unfortunately, too many workers remain at risk. On average, 15 workers were fatally injured and more than 12,000 workers were injured or made ill each day of 2003. These statistics do not include deaths from occupational diseases, which claim the lives of an estimated 50,000 to 60,000 workers each year.

According to the Bureau of Labor Statistics, there were 5,559 workplace deaths due to traumatic injuries in 2003, which was a slight increase from the number of deaths in 2002, when 5,534 workplace deaths were reported. Wyoming, of all places, led the country with the highest fatality rate, 13.9 people per 100,000. The lowest State for the fatality rate was 1.5 per 100,000, which was reported in Delaware.

The construction sector had the largest, as I said before, the construction sector had the largest number of fatal work injuries, 1,126 in 2003; followed by transportation and warehousing, which had 805 injuries; and agriculture, forestry, fishing and hunting, which had 707 injuries. Industry sectors with the highest fatality rates were agriculture, forestry, fishing, and hunting, 31.2 per 100,000 in hunting. Mining had 26.9 per 100,000. And transportation and warehousing, 17.5 per 100,000.

So you can see we are not here just to talk in support of the blue States, the urban States, the Rust Belt States; but the rural areas are suffering quite a bit also. The workers there—the rural areas—suffer in terms of the large number of fatalities in the workplace.

Transportation and material-moving occupations had the highest number of fatalities, 1,388, followed by construction and extraction occupations, with 1,033 fatal injuries. The occupations of greatest risk of work-related fatalities based on the number of fatalities per 100,000 employed were logging workers. Their occupation had 131.6 fatalities per 100,000; fishers and related fishing occupations had 115 deaths per 100,000; and aircraft pilots and flight engineers, 97.4 deaths per 100,000 employed.

Very interesting that simple guys out there, fishers and logging workers, are in the same category as aircraft test pilots and flight engineers in terms of deaths and injuries. So our concern is universal, and the mission of OSHA is important and should not be denigrated or trivialized by this kind of legislation.

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

I do wish my friend, the gentleman from New York (Mr. OWENS), would get the AFL–CIO to send him talking points just on this bill. That is what we have this hour for, to discuss this one bill, where we actually are trying to make OSHA work.

Now, I will go over it again. This is about an agency called OSHA that has a review commission made up of three people. This review commission was written into the law in 1970, written into the law by a Democrat House and Senate that simply said OSHA did not get to be the judge and jury. They do have the right to set the standards. They can write the regulations and enforce the regulations, but they are not to be the final judge and jury. OSHRC is. The review commission is.

Now, what we find is the commission is not working. It does seem to me that some people do not want it to work. I am not sure I know why, but to stay with a bill that is 34 years old and just like it is, thinking it is perfect, when we absolutely know that it is not. For more than two-thirds of its existence, this commission has been paralyzed by frequent vacancies and often been unable to act. Two-thirds of the time in 34 years this commission has been unable to act. For more than half of its existence, it has had two or fewer members. For 20 percent of that time it lacked even a quorum of two.

Now, why does the AFL–CIO or the labor bosses not want this to change? I do not know, but you misread it if you say working families do not want this kind of change. Because most working families in this country are in small business. And tell you the truth, many labor union members also have small businesses with their wives and sometimes themselves as a second job.

You take it on yourself to tell us what the majority party wants. Well, this is simple what we want in this bill: We want a review commission at OSHA that works. It is just that simple. We do not want any more or any less. That is all this bill is about. We believe having five commissioners will help aid that process.

Mr. Speaker, I urge all our Members to just simply come to the floor and remember what this is about. This is a small tweak in a 34-year-old bill that is not working, and it does not help anybody. It does not help workers, and it does not help employers to not pass this little thing to help this agency work.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in opposition to H.R. 740, a bill to amend the Occupational Safety and Health Act of 1970 by expanding the size of the commission that hears OSHA appeals from three to five members. Supporters of the measure argue that the panel has had difficulty meeting a quorum because of recusals and vacancies. However, I would argue that the change would allow the current Administration to stack the board with pro-business members.

Many responsible employers are tired of continually being underbid by unscrupulous and reckless operators that refuse to spend anything on protecting workers' lives or promoting public safety. Voting in favor of H.R. 740, could potentially erode a basic respect for human life. We must remember that workers killed on the job are someone's son or daughter, husband or wife, and/or father or mother. Unlike other victims of crime, their lives are often seen as expendable. As a Mexican Consular officer said: "Too many employers don't see these people as human beings." Bereaved family members suffer further upon discovery that federal law denies them justice. If H.R. 740 is allowed to pass, we would be allowing the current Administration to stack the board with pro-business members. I urge my colleagues to oppose the passage of H.R. 740.

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

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 351, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the commission, and ask for its immediate consideration in the House.

The Clerk read title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 351, the bill is considered as having been read for amendment.

The text of H.R. 741 is as follows:

H.R. 741

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 ''Occupational Safety and Health Independent Review of OSHA Citations Act of 2005''.

SEC. 2. JUDICIAL DEFERENCE.

Section 11(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(a)) is amended in the sixth sentence by inserting before the period the following: '', and with respect to such record, the conclusions of the Commission with respect to questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable''.

The SPEAKER. The amendment in the nature of a substitute printed in the bill is adopted.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 741

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 ''Occupational Safety and Health Independent Review of OSHA Citations Act of 2005''.

SEC. 2. INDEPENDENT REVIEW.

Section 11(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660) is amended by adding at the end the following: ''The conclusions of the Commission with respect to all questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable.''.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

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

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 741, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, the third bill we will debate today is another narrowly crafted bill that addresses a specific problem we found in the OSHA law.

In 1970, when it created OSHA, Congress also created the Occupational Safety and Health Review Commission to independently review all OSHA citations. The commission was intended to hold OSHA in check and ensure that it did not abuse its authority. Congress passed the OSHA law only after being assured that judicial review would be conducted by ''an autonomous independent commission which, without regard to the Secretary, can find for or against the employer on the basis of individual complaints.''

Congress even separated the commission from the Department of Labor. It was truly meant to be independent. The bill before us, the Occupational Safety and Health Independent Review of OSHA Citations Act, restores the original system of checks and balances intended by Congress when it enacted the OSHA law, and ensures that the commission and not OSHA would be the party who interprets the law and provides an independent review of OSHA citations.

Now, let me try to put this in simpler terms. If you are stopped by a police officer and issued a citation for speeding, would you want the same police officer to be your judge and jury and decide whether you are guilty? Of course you would not. And unfortunately for small businesses today, the law is ambiguous and it is vague. Since 1970, the separation of power between OSHA and the review commission has become increasingly clouded because of legal interpretations, mostly argued by OSHA in efforts to expand its own authority.

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Congress intended there to be a truly independent review of disputes between OSHA and employers, and when a dispute centers on OSHA's interpretation of its authority, Congress intended the independent review commission, not the prosecuting agency, OSHA, to be the final arbiter. H.R. 741 restores this commonsense system of checks and balances.

Small businesses are the real engine of job growth in this country, and we should be helping them, not hindering their progress. Last week, the Department of Labor reported that more than 3.7 million new jobs have been created since May 2003. We want to make sure that onerous government regulations do not hamstring small businesses' ability to continue to hire workers and compete in our economy. That is another reason why all of these OSHA reform bills are important.

The measure before us is a narrowly crafted, commonsense bill that address a specific problem in the OSHA law. It passed the House last year and deserves the support of all of our Members.

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

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

I want to make my comments on this bill very briefly. Essentially, H.R. 741 weakens the fundamental policy of the Secretary of Labor while enhancing the powers of the OSHA commission. Such action would create two divided regulators and a great deal of confusion. The Secretary of Labor is best able to regulate and enforce safety standards, and as such, the authority should remain with her. This is just plain common sense. I urge my colleagues to vote ''no'' on H.R. 741.

We do not need more confusion. More confusion is only a way to trivialize and make OSHA less effective.

Mr. Speaker, I would like to turn my attention to an issue that should be of great concern to all Members of this body in relation to this particular subject, and that is worker deaths and serious injuries. Between 5,000 and 6,000 American workers are killed on the job every year by willful and negligent safety violations on the part of errant employers. I have talked about that already. The surviving family members killed by corporate wrongdoing deserve much more than just our sympathy, however. They deserve immediate congressional attention and action.

Instead of considering these bills to weaken OSHA, we should be strengthening provisions of the Occupational Safety and Health Act. We should be considering a bill like H.R. 2004, the Protecting America's Workers Act, which I introduced on April 28 to coincide with Workers' Memorial Day, a day set aside every year to honor workers killed on the job by safety violations. Joining me as cosponsors of H.R. 2004 are the gentleman from California (Mr. GEORGE MILLER), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Massachusetts (Mr. LYNCH), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from Maine (Mr. MICHAUD), the gentlewoman from California (Ms. WOOLSEY), the gentleman from Texas (Mr. GENE GREEN) and the gentlewoman from Ohio (Ms. KAPTUR). The bill will hold those who commit corporate manslaughter accountable at the same time it reinforces critical health and safety protections for workers nationwide.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR) to give us an example of the seriousness of the situation.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this opportunity and take great privilege in coming to the floor today to place into the public realm a concern that is deep-seated in the city of Toledo and the State of Ohio which I am so honored to represent.

It in fact deals with corporate manslaughter. I stand today to oppose any weakening of OSHA statutes, and support the Owens bill to strengthen worker safety and protection. For, in fact, if those protections had been in place, the men I am going to tell Members about today would not be dead. Our community would not be in mourning. Their families would not be in mourning.

We have all observed with awe the marvelous photos of construction workers sitting on I-beams swinging above some of our Nation's major cities. High above New York City is one photo that comes to mind, as we admire the skill and the daring of these Americans who put their lives on the line every single day. These tradespeople indeed build America. I cannot think of a citizen in our country that does not respect their prowess and their skill.

Well, the worst construction accident in the history of the State of Ohio occurred in our city on February 16 of last year. It occurred on a Federal project, a Federal project that I had authorized and that has been being built now for several years. I was so proud when we passed that legislation. I said this is going to be a Federal

project which is going to be built without one death, and we worked for almost 2½ years to sign a safety agreement with each of the trades involved in this project and with the major company and the State of Ohio. It was difficult to bring them all to the table. I said I did not want this to be another Mackinaw. I did not want dead men at the base of another river. Instead, I hoped we would build this project and demonstrate respect for those doing the work.

Well, on February 16, 2004, these four men lost their lives. Several others were seriously injured on this job. Crushed to death on this job were ironworkers Mike Phillips, age 42; Arden Clark, age 47; Mike Moreau, age 30; and Robert Lipinski, Jr., age 44.

I cannot tell Members what it was like to go to the funeral of each of these men. How poignant, how unforgettable to be with those families following an accident I know could have been prevented. But, yes, there were people in this city, people in our capital of Columbus, people in that company who did not care, who simply did not care.

One of the men who lost his life, his nickname was Bubba, Bubba Lipinski, he was such a magnificent man. He weighed about 320 pounds. He was not heavy-set; he was just strong. He was about 6 feet 6. When I walked into the funeral home, his casket was the size of a child's casket, a mountain of a man, crushed to death.

Joe Blaze, the President of the Local Ironworkers observed, ''What happened will affect our community for generations.'' The local paper, The Toledo Blade, reported, ''Workers told investigators the crane's rear legs,'' this is, the crane that fell, ''were held up with 14 inches of shims and no anchors in the footers while each front leg had shims in only one of only two anchors.'' The workers were literally crushed when this million-ton crane moved, and it just could not hold itself. And it fell, crushing them to death in the process.

The question really is, why did it fall? Incredibly, its feet were not tied down. And people knew that. People in the company knew that. There are internal memos that show that they knew that.

But though the accident occurred over a year ago, the State of Ohio, that I view as an accomplice in this willful manslaughter, will not release inspection records. OSHA will not permit its inspector general at the Department of Labor to give us the pre-accident inspection reports. So, who was on site? Who was not on site? Who should have inspected? Who did not?

Moreover, there seems to be an issue of whether the Federal Government had responsibility to inspect a ''launching Gantry crane'', which is a specialized type of crane, that is, whether OSHA really had responsibility for inspecting launching Gantry cranes as opposed to other types of cranes.

Another major wrinkle, is that this particular crane, and there were two of them, was made in Italy, not the United States. The crane was imported. The men were a little uncomfortable with that. They generally build their own cranes and then build bridges using those cranes. Yet the State of Ohio assured the workers that it was of equal measure to any crane built in the United States. But there seems to be a little stickler in the OSHA regulations that OSHA may not equally regulate foreign imported cranes to the same standards expected of U.S. made cranes. They are not held to the same standard. Hmmm, why would that be?

I tried last month during the markup of the Labor, Health and Human Services appropriations bill to include simple report language in that bill, which is never denied to a member of this House, merely asking the Department of Labor's Occupational Safety and Health Administration to gather all records relating to the inspections that should have been done on the job, or lack thereof, prior to the accident and to provide them to the public record as well as to provide any communications that have occurred with the U.S. Department of Justice related to this accident. This was denied to me as an elected representative of the people of my district. It was denied to me by the Republican majority of this House, by the Republican majority of my committee, and by the Republican leader of the committee that is on the floor today.

I am angry. I am very angry. They do not want any oversight. They want the weaker OSHA regulations. They do not care about these men. They do not care about their families.

I have asked the majority to hold oversight hearings regarding OSHA's action or inaction in this I–280 Federal interstate highway accident. No word yet. No word yet on their willingness to agree for a request for a hearing. Surely the Congress has an oversight responsibility in a matter as serious as this one.

OSHA's Midwest office has ruled there was willful negligence on the job. And for reasons not completely understood, although they ruled willful negligence, they had to change the ruling. The ruling has now been changed. We do not know who changed the ruling. We want to know that. Now it has been termed ''unclassified''. It has gone from willful negligence, or corporate manslaughter, to unclassified. What does that mean?

It probably means that as the individual court cases move forth locally, somehow civil litigation is going to be affected by a careful dance of words. How absolutely cruel. Cruel. We talk about being pro-life. You are looking at a pro-life Member, and every one of those lives means everything to us. They went to work faithfully. They worked hard. They did magnificent work. I was up on that bridge last winter. It was blasted cold up there and windy. I represent the Saudi Arabia of wind up there on Lake Erie. They went to work in 32 degrees below zero. It was so cold with that wind factor.

Now guess how much OSHA is able to fine the company, and this is a $300 million to $400 million project, how much is OSHA able to fine the company and others responsible for this serious loss, a total of $70,000 for each lost life. $70,000 for each lost life? That is travesty. For 4 lost lives, OHSHA will impose a fine totalling $280,000 on a $300 million-plus project. That equals a fine of .0009% . . . almost embarrassing were it not so wrong. And, the money goes to the U.S. Treasury; it does not even go to the victims' families. What kind of country is this? What kind of shop are we running here?

Well, in my opinion, in cases of such gross negligence and criminal manslaughter, there should be more than civil damages and OSHA fines.

Our chief of police who is a very measured man said these men were murdered. There is criminal wrongdoing here. You know the amazing thing about our law, though this is a $300-plus million transportation project, I cannot even dedicate a few percentage points to give money to our local county prosecutor to investigate the nature of the negligence get to the bottom of this. The Department of Labor does not allow it. The Department of Transportation does not allow it. How do we find out what happened?

My questions are, where was OSHA? Who was investigating and who was inspecting on site? Where was the State of Ohio Department of Transportation? Where was their inspection? Why did they sign an acceleration agreement with the company—to make work on the project move even faster when the workers were a year and a half ahead of schedule? Who knew those footers were not tied down, both at the front and back ends of the launching Gantry crane? Did OSHA purposely not inspect what is termed a launching Gantry crane? Did OSHA not inspect nor require equal standards on a foreign made crane similar to one that is made in the United States of America?

□ 1615

Why did I have to jump start the negotiation of a safety agreement before construction started? Why did OSHA not do that? Why did the U.S. Department of Transportation not do that? Why did the State of Ohio not do that? The State of Ohio has got their head in the sand. Those in charge are hiding in Columbus somewhere under the sidewalk. You cannot even find them. Here we have the largest transportation project in Ohio history with criminal manslaughter, and they are all taking the duck.

Why is this Congress undermining what little authority OSHA ever had? What are we doing here? And who are we doing it for? Fru-Con, the major contractor? They have been responsible for five deaths in the last year at two

different project sites. That is quite a record.

We have now been told OSHA has not developed a standard or promulgated a rule stating that foreign-manufactured cranes, like this one, must equal or exceed U.S. safety standards. Who is responsible? On whose hands does the blood of these men lie in this House? On whose hands does it lie? I have a pretty good idea. Recommendations for such a standard were made nearly a year ago but not acted upon. Why not? Why not? Why has this Congress not demanded and implemented as soon as possible these regulations? Or made meeting U.S. standards a condition of eligibility for Federal funding? There is a serious abdication of responsibility here. We were always taught in school, there are sins of commission and there are sins of omission. Both sides of the ledger you are accountable for. Here there is a serious abdication of responsibility by the U.S.—an ommission, a purposeful omission. The inept Department of Labor caused the deaths of these men, as well as those in this Congress that would seek to weaken OSHA and gave no value to their lives.

These men died, in my view, because of the apparent willful negligence of our U.S. Department of Labor and the office of safety and health within it that was supposed to be set up to protect their lives as well as their allies here in the Congress who are completely undermining worker safety laws, They have abdicated their responsibility not just as lawmakers but as human beings to their fellow men and women to conduct aggressive oversight. The State of Ohio, as the contractural agent for the federal government, fell asleep on its oversight. The fact there are 4 dead men, and a half dozen injured is grim testament to that.

I have appealed already to our Committee on Education and the Workforce to hold hearings into this tragedy in Ohio. The hearings ought to be held in Ohio. It is my hope that, in spite of the actions being taken today, there might be some accountability, some conscience out there that asks—no, that demands—that this Congress act on behalf of the mothers and the fathers and the wives and the children and every single person in our community that goes under that bridge every day or looks at that construction project, all the people that still lay wreaths at the site, they are numerous, all the prayers, all the offerings, all the memories that are there forever.

I want to say to my colleague from New York, Mr. OWENS you have my strongest support on your bill. I am so sorry that I have to come here to the floor today and speak these words that I know, for the families back home, is so very hard to listen to. But I feel it is my responsibility as the only voice they have got here. I want to say to the ironworkers union, if I can hold my composure, you deserve a lot better than this. You serve us with great distinction. We value the lives of your members and the faith that they put in us to protect them. Some of us take this obligation as a sacred obligation. We salute them.

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

My colleague from Toledo clearly laid out what was a tragedy in her community with regard to the four gentlemen who lost their lives in this accident. This accident continues to be under review by OSHA. We hope that OSHA will get to the bottom of what did happen, and, more importantly, who was responsible. I do not think it serves those families, the community or any of us to point fingers and to lay blame without facts. To my knowledge at this point, this particular case is still under investigation. There are still lots of details to be gleaned. And when this picture becomes clearer, we can then take a course of action that in fact may be appropriate. But I am waiting for this review and this investigation to continue.

But the point here is that the bill that we are debating would actually, I think, assist in making the determination about who is guilty, because by making it clear that the review commission should hear these cases and can adjudicate these cases, you can make a determination about who was right and who was wrong by an independent commission, not by OSHA itself.

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

Mr. NORWOOD. Mr. Speaker, I would like to start by saying that neither this bill nor the other three weaken OSHA. We designed these bills to help OSHA. Part of the problem is that this 34-year-old bill has been changed by activist judges, it has not been reviewed or looked at in 34 years in any sense, and these simply bring fairness back into the equation. As you can imagine, 34 years ago, we had an OSHA bill that was drawn up by a Democratic House and a Democratic Senate that was very fair, just a little tilted in one direction, and we are trying to undo that tilt just a little bit so finally, finally, maybe we can get OSHA to work with the small business community to benefit the workers.

The Occupational Safety and Health Independent Review of OSHA Citations Act restores congressional intent where the operation of the Occupational Safety and Health Review Commission is concerned. It just puts it back like it was 34 years ago. It got knocked out of whack with activist judges. When the Occupational Safety and Health Act was passed, the only reason it passed was a last-minute compromise to create an independent review commission. If you do not believe me, you do not have to. Go read the testimony. It is exactly what happened in the seventies.

It is clear in the legislative language of the OSH Act that Congress empowered the commission to interpret ambiguities under the act. This, however, has been undermined by legal interpretations that did not consider congressional action at the time. I would think all of us would want them to consider what we in Congress did.

Mr. Speaker, the OSH Act empowers OSHA to inspect and propose citations for violations of safety and health standards. The commission's responsibility is to review contested citations and render judgment. OSHA's responsibility is to make up the rules and enforce the rules. But they should not sit in judgment of their own rules. That can never be fair to anybody. The Congress in 1970 understood that, and we are going to fix that in OSHA sometime very soon. Congress did not intend for OSHA to create the regulations, enforce them, and then turn around and interpret them. I would compare OSHA's role to a prosecutor, and the commission's role to a court. Congress never intended that OSHA should also be the judge and jury. This is the commission's role.

Unfortunately, that position has been undermined by other court cases, cases that did not directly deal with safety and health law, for pity's sake, which suggested that deference should be given to OSHA instead. In my view, this must be corrected, and as long as I am in this town and in this body, I am going to try to correct it.

H.R. 741 simply states that deference shall be given to the reasonable findings of the commission in accordance with the governing court precedents as Congress originally intended. In the 108th Congress, most of us understood this was important: 224 voted for it; 204 against. I know that the union bosses are against anything we do, anything that might possibly help the majority of citizens in this country who are in small business. Lord, they are always against it. But those of you who care about union members, think about them on these votes. Don't worry about the union bosses. They are going to contribute to you, anyway. Think about the workers. They are the folks who would appreciate this kind of legislation.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from Ohio for yielding me this time, and I appreciate the leadership that he has presented to this Congress on making America more competitive in the world economy.

Mr. Speaker, this week, Congress embarks on an important agenda to make America more competitive in the global marketplace. Over the next several weeks, the House will pass significant legislation as part of the Republican Congress' competitiveness agenda. Globalization is not something we can ignore, nor is it something we can stop. As Thomas Friedman says in his book, The World is Flat, globalization is a reality of our world today. How Congress

deals with this reality will determine whether America remains the dominant economic superpower or whether we are relegated to a second-class economy.

America's businesses and workers have the skills and talent to compete and succeed in the global economy when given the opportunity to succeed. Unfortunately, over the past 40 years, Congress has constructed barriers to competitiveness. This institution now has a responsibility to break down these barriers and allow workers and businesses to prosper. This week of the competitiveness agenda is dedicated to eliminating bureaucratic red tape. Over the years, regulation after regulation has been levied upon our businesses, hindering their growth and development. Some of these regulations have proved helpful, but far too often these policies work simply to constrain our businesses from effectively competing and thereby keeping our workers from earning the best wages and benefits. OSHA is an excellent example of a good idea poorly executed that now hinders our businesses and workers.

The gentleman from Georgia (Mr. NORWOOD) has been a leader in the fight to keep American businesses competitive without sacrificing workplace safety and health protections. The four bills that we are considering today will establish basic principles of fairness, reduce regulatory burdens and expedite administrative reviews that will increase business productivity among America's small businesses. I want to thank the gentleman from Georgia for his vision and hard work on all these issues.

In 1971, OSHA was created to ensure a safe and healthy workplace for workers throughout the Nation. However, the bureaucracy has led OSHA to develop an adversarial relationship with our small businesses, defying common sense, good government principles and congressional intent. In order to successfully create a safe work environment, OSHA must be cooperative, not confrontational or punitive. People who own and operate businesses do not want dangerous workplaces or injured workers. They want to do the right thing, and OSHA should be there as a guide and resource, cooperatively working for a safer work environment. Unfortunately, this is simply not what is happening with OSHA.

This is particularly true in the residential construction industry where OSHA seemed to unfairly target small homebuilders in Sedgwick County, Kansas. In June of 2003, I was contacted by a group of homebuilders in Wichita who were frightened by the prospect of having to stop working in order to avoid fines from OSHA. These constituents told me OSHA was planning to fine builders for plastic cups on stairs and for workers' failure to wear earplugs while operating a wet vac. While seemingly minor issues to most of us, these fines, which some in the community claimed could be as high as $50,000, would effectively put small businesses out of business.

While OSHA claimed these reports were exaggerated, there is no way I can exaggerate the impact OSHA's hostility and excessive regulation can have on the still-recovering Wichita economy. In the case of these small construction companies, OSHA chose surprise visits, ill-conceived compliance guidelines and an adversarial demeanor to achieve everyone's goal of a safer, more secure workplace. The results were that many small contractors in my area of the country were forced to stop working in order to avoid unfair fines which could have been as high as $7,000 per infraction, no matter how insignificant. Under this approach, OSHA was doing more to hurt employees than to help them, threatening the ability of the men and women of the residential construction to make a living. That is why I am a strong supporter of the gentleman from Georgia's OSHA reform legislation, including H.R. 741. This is important piece of legislation would establish an independent review of OSHA citations.

The American political structure is based on a system of checks and balances, Federal and State, the executive, legislative and judicial branches. However, OSHA currently acts both as the prosecutor and the judge for the disposition of OSHA citations. Not only is this inherently unfair and inconsistent with our political system, the structure of the Occupational Safety and Health Review Commission does not live up to congressional intent.

As the gentleman from Georgia has eloquently explained, when Congress established the OSHRC, it was designed to be an independent judicial entity to provide proper and nonbiased review and adjudication of OSHA citations.

□ 1630

This independent citation is critically important to the integrity and fairness of OSHA. Restoring this independence will help OSHA and the workers it serves.

I support the competitiveness agenda for America, and I support eliminating bureaucratic red tape, and I support the gentleman from Georgia's (Mr. NORWOOD) OSHA reform legislation.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. PRICE), a member our committee.

Mr. PRICE of Georgia. Mr. Speaker, once again I want to commend the chairman of the committee for his wonderful work in this area and commend the gentleman from Georgia (Mr. NORWOOD) for keeping this issue alive as he has tried to enact these appropriate reforms.

Once again from the opposition we have heard some very interesting stories. But the problem is they do not have anything to do with the bill. I am reminded of the newspaper correction column, that column that is on page 5 or 6 or 10 or 12. We need a correction column right here. The misstatements and the untruths by the opponents would be amusing if this were not so doggone important.

We are not interested in dismantling OSHA. We are interested in improving workers' safety. I rise to support H.R. 741, and I want to once again bring us back to the magnitude of the issues we are talking about. Small business, 99.7 percent of all business is small business; and 75 percent of all new jobs are hired in the small business sector.

Have my colleagues ever been up against Big Brother? Ever been up against Big Brother? OSHA's budget is $468 million; 2,200 employees; 1,100 inspectors. OSHA is Big Brother. And the analogy has been used here, but what if Big Brother were the prosecutor and the judge and the jury? Unfair? Unfair? You bet. That is the current system. That is the current system under which we are working. OSHA is the prosecutor, it is the judge, and it is the jury. And that was not the intent. That was not the intent.

H.R. 741 restores the original intent and the original system of checks and balances that was intended by Congress. Read the bill. What does it say? All it says is: ''The conclusions of the Commission with respect to all questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable.'' That is it. That is all it says. What does it mean? It means that the review committee will be the independent committee and the commission that Congress intended originally. Very simple common sense.

I urge my colleagues to adopt H.R. 741.

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

Mr. Speaker, the critical question is what more important things should we be doing? This commission bill which creates confusion, to our knowledge, is still not sanctioned by the administration or the Secretary of Labor. Why are we putting such great amounts of time and energy into proposing new powers for this commission when there are other more important things that we ought to be addressing?

And the statement by the gentlewoman from Ohio (Ms. KAPTUR) was all related to what other important things should we be doing. Why can we not have hearings when there is a major accident with four men being killed under the circumstances they were killed in Ohio? Why can we not call in OSHA and demand that there be an expedited investigation? Why are citations allowed to be unclassified? This committee, the Committee on Education and the Workforce, has oversight over the work of the Department of Labor and OSHA. Why can we not get better answers? Why can we not consider my bill, H.R. 2004, the Protecting America's Workers Act, which will call for penalties for corporations who are guilty of the kind of neglect

that led to the deaths of the four workers in Ohio?

Even by conservative estimates, 15 workers in this country will be killed on the job today, July 12. They will be killed due to serious safety lapses on the part of their employers. Why are we wasting our time playing around with the adjustment of a commission when these workers deaths are still going on in America?

I spoke earlier about the fiery explosion some 3 months ago at the BP plant in Texas City that killed 15 workers and injured more than 100 others. This happened three months ago. It is not ancient history. Why has this committee with jurisdiction not examined that explosion more closely here in Washington? I had also previously mentioned the bridge collapse in Toledo, which the gentlewoman from Ohio (Ms. KAPTUR) discussed in greater detail.

Many other cases of worker deaths, equally as tragic and preventable, only make local headlines. They only know about them locally. And they go on in different parts of the country because we are not aware of the seriousness of the situation. The fact is that much of what happens in one area can be prevented from happening in another area if we would just address those serious issues.

Every year in New York City, for example, a number of unprotected construction workers are killed by freefalls from buildings and collapses of faulty scaffolds and concrete walls. Almost 8 months ago in Walnut Creek, California, a gas pipeline explosion killed five workers, and badly injured four others. The list goes on and on.

We welcome this opportunity to get on the record from both the Members of Congress and the American people the fact that these things are continuing—this steady rate of somewhere between 5,700 and 6,000 workers dying each year—and it has been going on too long. Why not address the fact that this is something that can be stopped? We can change the death rate by having a more effective OSHA instead of playing around the edges, as these four bills are doing.

In the words of a New York State Supreme Court justice, these worker deaths in New York were not simply ''random accidents'' but rather, and I am quoting the judge here, ''tragic certainties.'' ''Tragic certainties.'' The workers died as the direct result of some employer's willful safety violations or serious negligence. What is even more reprehensible is that too often, and in the specific worker death cases I just referred to, the employers responsible for these fatalities are repeat safety offenders.

In a forum I held last year entitled, ''Jobs to Die For: Inadequate Enforcement of U.S. Safety Standards,'' I heard from the grieving parents of 22-year-old Patrick Walters. Patrick was buried alive on June 14, 2002, working on a sewer pipe in a 10-foot trench. Patrick had spoken before about his fear of being suffocating because he was repeatedly sent down into the trenches without any protective equipment and without a metal trench box. We have a picture of Patrick here. He is the young man at the top tier of the poster to my right.

I mentioned Patrick's employer before, Moeves Plumbing, with respect to H.R. 739. I did this because Moeves Plumbing is a repeat safety offender. The firm has been the subject of 13 OSHA inspections since 1989. Patrick died only weeks after OSHA had cited Moeves Plumbing for willful trenching violations. When OSHA settled the case of Patrick Walters' death with Moeves Plumbing, however, they changed the willful violation to an ''unclassified'' one. Have we heard that before today? Unclassified, just as they did in the case of Ohio. It was not a willful violation, but an unclassified violation. A weak OSHA, a corrupt OSHA changed it to ''unclassified.'' Without a willful violation, the Solicitor of Labor would not recommend criminal prosecution of Moeves Plumbing. As Patrick's parents told me last year: ''We need to get some stiffer penalties and some muscle behind it, or Moeves' company is going to kill another child again. They will. It's only a matter of time.''

Patrick's parents, who still live in the Cincinnati area, continue to see Moeves employees working inside trenches without any cave-in protections. As Patrick's father told a reporter in March of 2005, March of this year, about the owner of Moeves Plumbing: ''She's killed two people now, and she'll probably kill two people again. It's obvious she's not listening to what OSHA is telling her.''

Under the current OSHA Act, the maximum penalty any employer can receive for causing the death of a worker, considered a misdemeanor, is 6 months in prison and a $10,000 fine. Six months in prison and a $10,000 fine. Unlike surviving relatives of other crime victims, family members of workers killed on the job are left without any victim services or assistance under current law. They even lack a voice in any OSHA investigations of their loved ones' deaths. They also lack any voice in OSHA's subsequent negotiations with culpable employees over the downgrading of initial citations and fines tied to the worker fatalities.

By stiffening criminal penalties for those found guilty of blatant safety violations that result in worker deaths, the Protecting America's Workers Act will make other employers think twice about ignoring basic health and safety rules that risk workers' lives. H.R. 2004 incorporates in its entirety the provisions of a bill I introduced last year, and that was called the Workplace Wrongful Death Accountability Act. Both bills would make it a felony offense to kill a worker and provide for a term of no more than 10 years in prison. A felony offense to kill a worker, and there will be a term of no more than 10 years in prison. For a second offense, the maximum term for a culpable employer would be 20 years in prison. Fines would be set in accordance with title 18 of the U.S. Code, which is standard practice for all other criminal matters.

In other legislative matters, everyone agrees that holding people accountable by such means as stiffened penalties serves a critically important deterrent purpose. We are often on this floor talking about the need to not be soft on crime, to come with the hardest possible punishment as a deterrent. Yet I know that there are many on the other side of the aisle who are absolutely allergic to what I am proposing here, the prospect of holding accountable any employer whose willful or grossly negligent safety offenses kill workers. They don't want to hold accountable any employer whose willful or grossly negligent safety offenses kill workers. The opposition to holding such bad actors accountable does not even waver in instances where a number of workers are killed by the same safety violations over a 5- or 10-year period. The opposition also does not waver no matter how many workers are killed by an employer's egregious safety offenses.

I am heartened, however, by the fact that yesterday's ''Inside OSHA'' reports that Senator ENZI from Wyoming, who chairs the Health, Education, Labor and Pensions Committee, supports stiffening criminal penalties for health and safety violations that kill workers. As I understand it, Senator ENZI and I might differ on the maximum penalty for corporate manslaughter, but we agree on the need to make this a felony offense.

I believe Senator ENZI would prefer to see a maximum prison sentence for a first offense set at 18 months, whereas my bill would set the maximum at 10 years, in accordance with standard criminal law. Senators KENNEDY, CORZINE, and others introduced the Protecting America's Workers Act on the Senate side; and they agree with setting the maximum penalty for corporate manslaughter at the 10-year mark.

Mr. Speaker, the Protecting America's Workers Act would also extend OSHA coverage to millions of workers who currently lack the protection of workplace safety and health laws. Among others, these include public employees in a number of States and localities, certain transportation workers such as flight attendants, and a number of Federal workers, as well as those in public/private entities such as the Nuclear Regulatory Commission. Moreover, this act provides stronger protections for any worker who reports safety and health violations of an errant employer.

□ 1645

This bill requires OSHA to investigate any workplace incident that results in the death of a worker or the

hospitalization of two or more workers. At the same time, it gives surviving family members of workers who are killed greater participation rights in OSHA's workplace investigation and penalty negotiation process with the respective employers responsible for these fatalities. Moreover, it prohibits OSHA from downgrading willful citations in worker fatalities, downgrading them to this ''unclassified'' category. They should not be categorized as ''unclassified'' ever again.

Last, but not least, this bill that I propose strengthens workplace prevention efforts by requiring employers to cover the costs of personal protective equipment for their employees.

Mr. Speaker, I want to commend the New York Committee on the Safety and Health, NYCOSH, joined by COSH committees in other States, for launching a national campaign against corporate killing. This grassroots campaign will alert workers and the wider public about the importance of ensuring employers do not place profits above basic safety measures at the expense of workers' very health and lives. This is a serious business that this committee ought to be about. This is a serious business that ought to be on the floor today. This grassroots campaign says what Congress should also be saying, that it is important to ensure that employers, that bosses do not place profits above basic safety measures at the expense of workers' health and lives.

Mr. Speaker, the time for the Protecting America's Workers Act is now. Although we have been making progress and making the American workplace safer in prior administrations, that progress has stalled, and we need to act immediately in a serious manner and stop the kinds of adjustments that are taking place in the bills that are on the floor today.

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

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, having been an employer, I realized early on that the greatest asset in my business were the people who work for me. And having worked every job known to man growing up, I know that the people I worked for realized that the greatest asset they had in their business were their workers. When it comes to the protection of workers, I believe that all employers are interested in trying to protect their employees.

Congress, in 1970, passed the OSHA Act, putting in statute a set of laws, rules and regulations about the protection of American workers. And over the last, really the last 7 or 8 years, we have made great progress in reducing workplace accidents, illnesses and deaths, because OSHA, at the prodding of many of us, began to work more cooperatively with employers around the country. I have been to many work sites in my own district where voluntary protection programs have been instituted and have been signed off by OSHA that allow employers and their employees to work cooperatively in order to have a safer workplace. And the results, the results are pretty clear. If you look at, over the last 5 years, the rate of illness, workplace injuries, and deaths has continued to decline precipitously. We are making real progress. So I would continue to urge OSHA to work with employers and their employees to help create the safer workplace that all of us want.

Now, the bill before us simply says that there ought to be this independent review of the decisions that OSHA makes, that OSHA as the policeman, as the prosecutor, as the judge and the jury, is not fair to American workers or their employers. And we believe that when Congress created OSHA in 1970, they believed, and it is clear in the legislative language and in their intent, that they believed that there would be an independent review commission making these decisions. All we do in this bill is to make clear that it is Congress's intent and that OSHA will, in fact, abide by the law as it was written.

So I would urge my colleagues to support the underlying bill today.

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to H.R. 741. Instead of working to strengthen OSHA standards, my Republican colleagues have presented yet another piece of legislation aimed to weaken it by undermining the clout of the Secretary of Labor.

The Secretary of Labor should be the final authority on how OSHA law is interpreted, and this bill undermines the Secretary's authority . . . giving the Commission too much latitude.

The Secretary of Labor needs an unbiased group of peers during the appeals process. If the Commission's authority on the interpretation of OSHA law trumps the Secretary of Labor, what legal basis would the Secretary have to appeal a decision with which he/she disagrees?

The Commission's role is to fact-find and review while the Secretary of Labor is the enforcer. If the Commission becomes both the fact-finder and the enforcer, the employee cannot be ensured protection from bias. This legislation undermines the entire appeals process. It is unnecessary and not in the best interests of the employer or the employee.

If the administration was really interested in helping workers, it wouldn't be focusing on these unnecessary semantics in the law. But instead, it would be granting workers something they really need, like increased minimum wage or stricter penalties for employers that ignore safety regulations. I urge my colleagues to join me in supporting real worker reforms, not legislation promoting the erosion of worker protections.

Mr. Speaker, the administration's priorities are wrong, and I urge my colleagues to join me in opposing H.R. 741.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today speak in opposition to H.R. 741, a bill to amend the Occupational Safety and Health Act of 1970 by requiring judges in OSHA appeals cases to give more weight to the commission's decisions than to Labor Department regulators. Supporters argue the legislation would codify the intent of the 1970 Occupational Safety and Health Act (PL 91–596). However, I would argue that the measure would violate a 1991 Supreme Court ruling that gave the Labor Department priority in interpreting OSHA regulations.

Nearly every working man and woman in the Nation comes under OSHA's jurisdiction (with some exceptions such as miners, transportation workers, many public employees, and the self-employed). Users and recipients of OSHA services include: occupational safety and health professionals, the academic community, lawyers, journalists, and personnel of other government entities. To ensure that these individuals are safe and protected on the job, OSHA and its State partners have approximately 2,100 inspectors, including complaint discrimination investigators, engineers, physicians, educators, standards writers, and other technical and support personnel spread over more than 200 offices throughout the country. This staff establishes protective standards, enforces those standards, and reaches out to employers and employees through technical assistance and consultation programs. OSHA has proven that it is committed to doing its job and the Labor Department should continue to have the authority to interpret OSHA regulations.

I urge my colleagues to oppose H.R. 741.

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

The SPEAKER pro tempore (Mr. REHBERG). All time for debate having expired, pursuant to House Resolution 351, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 742 is as follows:

H.R. 742

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 ''Occupational Safety and Health Small Employer Access to Justice Act of 2005''.

SEC. 2. AWARD OF ATTORNEYS' FEES AND COSTS.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) is amended by redesignating sections 32, 33, and 34 as sections 33, 34, and 35, respectively, and by inserting after section 31 the following new section:

''AWARD OF ATTORNEYS' FEES AND COSTS

''SEC. 32. (a) ADMINISTRATIVE PROCEEDINGS.—An employer who—

''(1) is the prevailing party in any adversary adjudication instituted under this Act, and

''(2) had not more than 100 employees and a net worth of not more than $7,000,000 at the time the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Secretary was substantially justified or special circumstances make an award unjust. For purposes of this section the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

''(b) PROCEEDINGS.—An employer who—

''(1) is the prevailing party in any proceeding for judicial review of any action instituted under this Act, and

''(2) had not more than 100 employees and a net worth of not more than $7,000,000 at the time the action addressed under subsection (1) was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) of this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust.

''(c) APPLICABILITY.—

''(1) COMMISSION PROCEEDINGS.—Subsection (a) shall apply to proceedings commenced on or after the date of enactment of this section.

''(2) COURT PROCEEDINGS.—Subsection (b) shall apply to proceedings for judicial review commenced on or after the date of enactment of this section.''.

The SPEAKER pro tempore. Pursuant to House Resolution 351, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

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

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 742.

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

There was no objection.

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

Mr. Speaker, the fourth bill we will debate today is another narrowly crafted bill that addresses a specific OSHA problem. In short, we strongly believe that small businesses that face meritless OSHA enforcement actions should not be prevented from defending themselves simply because they cannot afford it.

The Occupational Safety and Health Small Employer Access to Justice Act levels the playing field for small businesses and encourages OSHA to better assess the merits of a case before it brings unnecessary enforcement actions to court against small businesses. Under current law, the Equal Access to Justice Act allows small business owners to recover attorneys' fees if the owner successfully challenges a citation. However, if OSHA can establish that its enforcement action was ''substantially justified'' or the result of ''special circumstances,'' small businesses can be refused attorneys' fees even if OSHA loses the case in court. Historically, the law's ''substantially justified'' and ''special circumstances'' standards have made it easy for OSHA to prevent recovery under this broad standard, so attempts by small business owners to recover costs often exacerbate the financial harm caused by OSHA's dubious enforcement actions.

Let us look at some of the facts. In 2004, OSHA cited 86,708 violations based on its nearly 40,000 workplace inspections. Yet, how many applications were filed for attorneys' fees against OSHA in 2004? That number is four. Yes, exactly four. How many were granted? Three. Three. Moreover, for the last 25 years, only 1 year has seen more than ten applications filed for attorneys' fees against OSHA. Now, when you compare that number to the more than 80,000 OSHA violations cited every year, you start to wonder. We heard testimony in our committee on this issue, and what we found is that the law's ''substantially justified'' and ''special circumstances'' standards have made it easy for OSHA to deny small businesses the ability to recover attorneys' fees.

What these numbers tell us is that small businesses can already see the writing on the wall. They know that OSHA has the upper hand, and if the prospect of recovering attorneys' fees is as bleak as it appears, then why fight the citation at all? Small employers should not be forced to knuckle under to OSHA citations and settle up front when they know and believe that they are innocent. This measure simply forces OSHA to carefully evaluate the merits of its cases against small employers before they bring the case. If OSHA's case is weak, and they bring the case anyway, then the agency will have to pay attorneys' fees, and rightly so.

Employers face relentless competition every day in the face of high taxes, rising health care costs and burdensome government regulations. The last thing they need is a meritless OSHA-related litigation that could take years to resolve. Last week, the Labor Department reported that more than 3.7 million new jobs have been created since May of 2003. We want to make sure that onerous government regulations do not hamstring small businesses' ability to continue to hire new workers and compete in our economy. Frivolous litigation kills jobs, and this measure will help ensure that OSHA carefully considers the merits of its case before they bring an enforcement action.

The measure before us is, again, narrowly crafted and a commonsense bill that addresses a specific problem in the OSHA law. It passed the House last year and deserves the support of all of our Members.

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

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

Mr. Speaker, this is the worst of all of the OSHA bills before us today. It would treat OSHA differently than any other Federal agency. Under the Equal Access to Justice Act, if any agency's position is not ''substantially justified,'' the government must pay the opposing party's attorneys' fees. This bill says OSHA must pay attorneys' fees to a prevailing employer, even if OSHA's actions were reasonable. Under this bill, OSHA will find itself paying the attorneys' fees of repeated safety violators whose penalties were reduced on a technicality.

The real-life example of an employer by the name of Eric Ho in Houston illustrates the problem here. Eric Ho hired undocumented workers and exposed them to high levels of asbestos, and this represents the kind of case that could not be tolerated by OSHA. Even after a city worker issued a stop-work order, Eric Ho secretly had the workers stay on the job. Eric Ho's workers ate at the site. They worked throughout the night, and some even slept at the site. Ho then directed the workers to tap into what would prove to be a gas line, and there was an explosion which resulted in one contractor and two workers being seriously injured. In the end, OSHA cited Eric Ho for ten serious violations and 29 willful violations. In turn, Eric Ho challenged OSHA and a divided OSHA review commission eventually downgraded Eric Ho's citations. Although Eric Ho was sentenced to prison in a prosecution led by the Environmental Protection Agency, because they had jurisdiction also. Eric Ho violated the Clean Air Act and H.R. 742 would require that this man, who had been convicted by one Federal agency, be awarded attorneys' fees because of OSHA's actions. OSHA would have to award attorneys' fees to Eric Ho. In this instance, H.R. 742 would use taxpayer funds to reimburse a convicted felon on OSHA technicalities.

Under the Equal Access to Justice Act, when a Federal agency is not substantially justified and cites an employer and the employer prevails in judicial proceedings, the employer is reimbursed for his attorneys' fees and expenses by the U.S. Treasury funds. Under this bill, H.R. 742, OSHA would be required to reimburse from its own budget an employer who prevails in judicial or administrative proceedings,

even when OSHA was ''substantially justified'' in issuing its initial citations. Now, they say, still, they are not trying to chip away at the effectiveness of OSHA, destroying OSHA bit by bit. OSHA would have to pay out of its own budget. Whereas, under the other circumstances that are similar, U.S. Treasury funds are used. Thus, any time an OSHA staffer conducts an inspection and discovers serious safety violations, that inspector would have to second-guess himself or herself.

□ 1700

OSHA's inspectors will be forced to perform many mental gymnastics, trying to predict whether a citation, no matter how justified, might have the slightest chance of being adjusted or overturned on a technicality in review proceedings.

Mr. Speaker, Members of both sides of the aisle agree that under its current budget and staffing configuration, it would take OSHA 108 years, 108 years to inspect all of the workplaces in America.

Now, H.R. 742 would have the effect of tying the hands of OSHA inspectors behind their own backs, causing them to analyze each and every citation in the most serious minute detail.

In a sense this bill calls for OSHA inspectors and supervisory staff to become forecasters. They will be required to predict any and all possible scenarios in which a specific citation might be reversed on a technicality. In the meantime, the founding purpose of OSHA, to assure, quote, ''every working man and woman in the United States safe and healthful working conditions,'' that would be more or lose forgotten.

Mr. Speaker, there are Members on the other side of the aisle who would have us believe that every OSHA inspector is like police inspector Javert in Victor Hugo's famous novel ''Les Miserables.''

These Members compare every business owner to Hugo's noble character Jean Valjean, hounded by OSHA's Javertian inspector for having innocently slipped up on one point, one miniscule point of an obscure and archaic OSHA safety rule.

In turn, those Members refuse to acknowledge the relevance of another great novelist, Charles Dickens, who captured bleak scenarios in which greed led the owners of blacking factories to subject child workers to inhumane and life-threatening conditions. In reality, we do not have to turn to 19th century novels to enlighten us on workplace safety conditions in this country. We need merely turn to the last year's astounding New York Times investigative series on worker deaths by David Barstow.

Reporter Barstow reminded us all that someone harassing a wild burro on Federal lands in 2004 would get a stiffer penalty, that is up to a year in prison, than an unscrupulous employer whose willful safety violations resulted in the death of a worker.

As I have repeated several times during today's debate, that employer's malfeasance could result in a sentence of no more than 6 months in jail. However, if Mr. Barstow were to write his series this year, he would have to alter the comparison slightly. It is not, I am afraid, that we are doing a better job of holding errant employers accountable for serious safety offenses. Rather, it is because a provision in the Omnibus Appropriations Act enacted at the end of the 108th Congress repealed the protection of wild burros and horses on Federal lands.

So it is a different scenario; but still workers are no better off, I assure you.

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

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Puerto Rico (Mr. FORTUÑO).

Mr. FORTUÑO. Mr. Speaker, I am quite pleased to have the opportunity today to address my colleagues and argue all to support the four OSHA bills that are being discussed today. At this point I would like to particularly address the importance of H.R. 742.

This bill narrows the target to a very specific goal, fairness. By permitting small employers to defend themselves against OSHA's superior litigation position when they believe that they are right, we are both creating consciousness about the values and needs of occupational security and health among employers and simultaneously promoting responsibility to our regulatory agency at the moment of acting.

Reality is that many small businesses simply do not have the resources to compete against OSHA's team of legal experts and are forced to ''surrender'' just because of the economic burden that litigating a case will have on their company.

It is not a matter of having a strange or poor case. It all comes down to the amount of time and money that litigating represents for them. We cannot allow our regulatory agencies such as OSHA to take advantage of their superior position and by doing so affect an important part of our national economy.

I personally have been informed by the Puerto Rico Chamber of Commerce that the main frustration among small employers is the unfair advantage that OSHA has when pursuing litigation against a small company even when the case is without merit or on shaky legal ground.

But, in fact, it is not news. Congress clearly recognized this problem when it passed the Equal Access to Justice Act. Still, this act just does not work when it comes to OSHA law.

In 2003, OSHA collected over $82 million in penalties; but in 12 of the last 20 years, OSHA's total EAJA awards have been less than $10,000. This simply does not make sense in light of all of the complaints that we hear from our small business constituents. We have to promote a level playing field for all. That should be our motive.

The message that we have to make clear to the small businesses is, if you need to, you can fight OSHA and win, and your victory will involve no burden.

Mr. Speaker, no one wants OSHA to be using taxpayer money to pay attorneys' fees instead of enforcing the law. That is not the purpose of this bill. But we do care to ensure that OSHA will think twice before pursuing expensive and time-consuming litigation in cases with no merit.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I rise in opposition to this bill. If the principle in this bill were applied to U.S. attorneys across the country, we would have a crime wave like you would not believe. If prosecutors had to be sure they were going to win every time they brought a case, they would bring very few cases. And that is the flaw in this bill.

There are four kinds of results when OSHA brings an action. The first is the result when OSHA is right, when they win on every question. And this bill does not affect that situation.

The second is the mixed result where OSHA wins some and loses some, where some of the charges that they make are downgraded, others are dismissed, and others are upheld in their entirety. As I read this legislation, Mr. Speaker, in that case, it is indeed possible, perhaps likely, that OSHA would be held responsible for paying the attorneys' fees of the defendant or accused party in that case.

The third kind of case OSHA brings is one where OSHA loses on all counts, but the claim was not unreasonable, where they made a judgment call and they thought they were right, but the adjudicator, the court, the decision-maker made a different decision.

Well, in that case, it is obvious under this bill that OSHA would be responsible for the counsel fees of the accused party.

The fourth kind of case is the case where OSHA brings a case that is unreasonable, that is arbitrary and capricious. Under present law, under such circumstances, OSHA is responsible for the counsel fees and attorneys' fees of the accused party.

Now, our friends on the other side say, well, this has been rarely invoked. I believe they said there are three cases in recent years, in a long time, where this has been invoked. And they draw from that the conclusion, Mr. Speaker, that there must be many, many cases where OSHA has done something arbitrary or unreasonable, but not been called on it, not been caught at it.

One could draw a very different set of conclusions from that record. It could draw the conclusion that in the vast majority of the cases, even when they

lose, their claims are reasonable; and the adjudicator and finder of fact in law has found that although OSHA is wrong, they were not acting in a vindictive or unreasonable way. This is a consistent principle across the board in Federal law.

If a Federal agency brings a case that is vindictive or unreasonable or patently unfair, then they are in fact responsible to pay the attorneys' fees of the accused party. But if they bring a case that is just wrong, but not unreasonable, where reasonable people could disagree before the case was brought as to whether it was right or wrong, then they do not have to pay the attorneys' fees, and it is for a very good reason.

It is because there are judgment calls that prosecutors have to make, there are judgment calls that enforcing agencies have to make, and we do not want to chill that judgment by saying, we will bring the case if you are sure that you are going to win. I am glad that the Securities and Exchange Commission is not going to be held to this standard, because if every time someone on Wall Street were accused of stock fraud, the SEC had to say, well, are we sure we are going to win before we bring this case, the cases of stock fraud that we have seen would be far more rampant than we have seen in recent years.

I am glad that other agencies, the mine safety agency is not held to this standard. You know, the basic question here is whether we want to so chill and corrode the enforcement powers of the agency that we want to wipe them out all together. I just do not think that makes any sense.

I think a far more sensible course would be to examine the existing legal provisions as to whether they go far enough, whether they are properly administered; but to make this wholesale change is to say to OSHA, unless you are sure you are going to win, do not bring the case.

You know, every lawyer is asked by every client at some phase of the litigation, am I going to win? Clients want to know this. And competent, honest lawyers usually give an answer that says, I am not sure. I can give you the probabilities. I can give you the circumstances under which I think we can win, and the circumstances under which I think we would not win. And a sensible client decides whether to go forward or not.

OSHA should have the same degree of discretion. If it abuses that discretion, it should be punished. If it does so on a consistent basis, we should change the law. But I believe there is no record that would demonstrate that conclusion, and I think that this proposal would seriously corrode the ability of this much needed agency to protect the working people of the country. I would urge both sides to cast a ''no'' vote on this bill.

Mr. NORWOOD. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I always enjoy following my friend, the gentleman from New Jersey (Mr. ANDREWS). I love to hear his debate, and I respect it. But I just think he is wrong about this.

We are not chilling anybody. What we are telling OSHA is you be darn careful before you drag people into court or force them to pay the citation because they simply cannot go to court.

They can take anybody to court anytime they want to under this bill. But they better be right more often than they are wrong, and that is not necessarily the case. So many of the cases we never hear about because the poor small business owner simply has to pay the citation because he knows that the attorneys' fees are going to be 10 times more than the citation.

In hearings before my subcommittee in the last Congress, we heard testimony from several witnesses about settling citations with OSHA rather than contesting citations, even though the employer felt the citation was dead wrong.

Why is this a continuing theme? I do not even have to be in Congress to hear this. I know about this kind of thing going on in my area all of the time. I would argue that since it is too hard to challenge OSHA and its attorneys, and the fact that you are challenging the entire taxpayers of the country and the use of their dollars, an employer simply cannot afford to go to court to prove that they are right because of the cost.

Does this remind any of you that have been in business about hearing from any of your friends with the IRS? They do the same thing. They just beat you to death and make you pay whatever they want you to pay and you cannot go to court to defend yourself.

The Occupational Safety and Health Small Employer Access to Justice Act, would award attorneys' fees to small businesses that successfully challenge an OSHA citation. They need to know what they are doing before they drag people into court. They need to be right.

They will not be every time. It may cost them sometimes. But that is better than not ever allowing a small businessman to be able to defend himself in court. The legislation defines a small business as one with 100 employees or less and with a net worth of not more than $7 million.

This is a very limited definition. This very limited definition will award attorneys' fees to the very small employer who is often pressured into settling with OSHA despite the fact that the company believes it has done nothing wrong.

□ 1715

This legislation is needed because the Equal Access to Justice Act has not been effective in redressing unfair citations for small business owners. Some people think that is not true. We think it is true. The numbers of cases filed under EAJA are few and far between. Why? Because OSHA can easily claim that the citations were justified. Under EAJA this is all they need to do.

In fiscal year 2004, small businesses were awarded only $11,585 by OSHRC. Witnesses before the Committee on Education and the Workforce have described the economic calculus small businesses make where settling OSHA cases is concerned. What was the common theme? It is cheaper to settle with OSHA than it is to fight, win and file for attorneys fees. That is wrong. Occasionally, some businessmen cannot stand it. They just cannot stand what OSHA is doing to them, and they are willing to pay a lot of money to go to court, a lot more money than the citation to prove that they were not wrong. But not everybody can do that.

Mr. Speaker, my bill is simply not a new concept. I would like to point out that in 180 other areas Congress has provided fee-shifting statutory arrangements for attorneys fees. This includes the Fair Labor Standards Act, the Americans with Disabilities Act, and numerous other laws. H.R. 742 simply levels the playing field for small employers by encouraging OSHA to better assess the merits of the case before bringing the full force and power of the United States government in their litigation against a small business. If you think that is not scary, you ought to try it some time.

This measure passed the House, thank goodness, last year in the Congress with bipartisan support, 223 to 194. I urge my colleagues, in particular my Democratic friends who have small businesses in their district, I urge them to vote for all four of these bills. I know it has been hard to tell what we have been talking about today because there has been so much superfluous conversation going on not concerning these four bills. But these are four simple, commonsense, fair bills that small business in this country need.

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

Mr. Chairman, how much time remains?

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The gentleman from Georgia (Mr. NORWOOD) has 19 minutes remaining. The gentleman from New York (Mr. OWENS) has 18 minutes remaining.

Mr. OWENS. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS) for his defense of workers rights.

I rise in strong opposition to H.R. 742 and to any bill that seeks to weaken OSHA at a time when we should be strengthening it. I further want to say that I think the passage of this bill sets a dangerous precedent because what we would be doing effectively is undermining OSHA, not only discouraging it from performing its statutory mission of making sure that the workplace is safe, but also setting the stage for depriving OSHA of any revenues

that it would need to be able to enforce the law.

It also occurs to me that there is a question of the constitutional rights of workers here, that since OSHA is given rather exclusive jurisdiction to protect the rights of workers and to enforce workplace safety standards, that working people would in effect be deprived of due process of law and equal protection of the law. So it seems to me there are constitutional issues here at stake as well.

The core mission of OSHA is to protect workers by enforcing safety standards. This bill will undermine that mission. It will alter OSHA's ability to enforce, and it will leave workers in danger. The latest numbers from the Bureau of Labor Statistics show a rise in deaths of American workers on the job. In 2002, 5,524 workers were killed due to injuries on the job. By 2003, that number had risen to 5,575. In 2003, 4.4 million, 4.4 million non-fatal workplace injuries were also reported.

Let us remember what OSHA is: OSHA is the Federal cop on the workplace safety beat. H.R. 742 will discourage OSHA from enforcing the laws against dangerous workplaces. Instead, OSHA will spend its time weighing the odds of winning against the costs to its budget if it loses.

H.R. 742 would require OSHA to pay attorneys fees in any case which it does not prevail. This would discourage settlements which save both time and money and in effect leave businesses with little or no reason to not contest charges.

Imagine if Congress were to consider a bill to require police departments to pay attorneys fees of a criminal defendant charged with reckless endangerment merely because they were acquitted or found guilty of a lesser charge. Would this House support that? The question answers itself.

Why support H.R. 742 which, in effect, does this same thing? The Nation's workplaces will be more dangerous and more lawless if the changes made by this bill are passed. This bill was designed to weaken enforcement of workplace safety laws and to in effect steal from exploited Americans the protection from injury and the justice they deserve. This legislation will severely handicap OSHA, the Federal workplace safety force, by discouraging it from citing employers unless the agency is completely certain it will win.

This legislation will endanger Americans, the vast majority of whom work for others to make a living. They work in factories, in shops, in hospitals. They work in nursing homes and in schools. They are not the bosses who decide if and how businesses will obey the law. Instead, they face the consequences of those decisions, and they live and die by those decisions. They need strong workplace safety laws and vigorous enforcement. They need to have H.R. 742 to feed it.

Current law already permits small businesses to recover litigation costs when the government position was not substantially justified. In the year 2000, 97.7 percent of all private establishments had less than seven employees and such establishments have a higher rate of occupational fatalities than establishments of more than 100 workers.

The fundamental question that faces this House here is, do workers have rights to fair compensation when they are hurt on the job? Because this is not just about workers; it is about the American family. Does a breadwinner have the right to be protected in the workplace? Do we have an obligation as a Congress to ensure a safe workplace? That is really the question that we are deciding here today. We are acting as though the interest of business and the interest of workers is somehow divided. The interest should be the same.

Workplace safety should be the highest criteria. We should not give up on workplace safety because of some odd notion that OSHA should pay if it brings a proceeding that is not upheld in a higher jurisdiction. We as Members of this House will pay a price if we fail to uphold workers' rights, if we fail to uphold the rights of a safe workplace, if we fail to uphold the right to fair compensation if someone is injured on the job, if we fail in our moral obligation to assure that corporations have a responsibility to their workers.

This should not be a matter of Democrat or Republican. It should not be a matter of labor management. This should be an American commitment to safe workplaces. And because of that I urge my colleagues to vote to defeat H.R. 742 and to work in a bipartisan way to assure that the American workplace is going to be safe for all those who toil for a living.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I thank the gentleman for yielding me time and for his tremendous leadership on this issue. He has been working it for a long time.

Mr. Speaker, I rise today in support of the Occupational Safety and Health Small Employer Access to Justice Act. And I read it that way in the quotes for a purpose. The gentleman from Georgia (Mr. NORWOOD) mentioned earlier that we have heard language today that ranged on a wide variety of subjects, and I am not sure at all that they were talking about the issue before us today.

This legislation that is before us now is one of four bills under consideration today which reflects the commitment of the gentleman from Georgia (Mr. NORWOOD) and me and my colleagues to improve the effectiveness of OSHA regulations and changes the environment that has hindered U.S. employers from creating and keeping more jobs.

I have listened to language today earlier this afternoon on these four bills that talked about us losing millions of jobs to China and elsewhere. The purpose of the legislation that we are talking about today is to, in fact, help create and keep jobs here in America. I will repeat what my friend from Georgia said earlier today, that the OSHA Small Employer Access to Justice Act levels the playing field for small business owners and encourages OSHA to better assess the merits of a case before it brings unnecessary enforcement actions to court against small business.

Loopholes in the current law make it possible for small businesses to be denied attorneys fees, and as my friends said, therefore, not even take the case to court because they simply cannot afford to defend themselves against a case brought against them by OSHA. This exacerbates the financial harm called by OSHA's sometimes dubious enforcement actions and discourages small business owners from seeking the restitution which rightly belongs to them. By closing this loophole, we ensure it is in everyone's best interest.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the chairman and I appreciate all he does.

Mr. Speaker, I rise today in support of all four of the OSHA reforms bills on the floor. These bills contain reforms that will encourage a more collaborative environment in which small business owners and the Occupational Safety and Health Administration can work together and, in doing so, improve workplace safety.

In particular I rise to support H.R. 742, the Small Employer Access to Justice Act. It would amend the OSHA Act of 1970 to reimburse small employers for attorneys' fees and costs when they are successful in challenging an OSHA citation.

Now it is true that the Equal Access to Justice Act already allows small business owners to recover attorneys' fees when a ruling is in the employers favor. However, reimbursement for attorney fees is refused if OSHA can establish that the citation was substantially justified or that special circumstances led to the issuance of citations. This loophole means that small businesses are saddled with costly attorneys fees regardless of their innocence.

Small business owners who believe that they have not violated any law are faced with a difficult question. Should I simply pay the fine or risk possibly incurring greater costs and attorneys fees by challenging this citation?

No small business owner should face such a choice, especially if he or she is wrongly accused. Small business that have violated health or safety laws should be fined. It is important that workers should be protect. But small business owners that have not broken any laws should not be drained by large attorneys fees that they have accrued in order to contest the citation.

I ask Members to support the OSHA reform and in particular H.R. 742 so that a fair legal environment can be created for small businesses owners.

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

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I have come down on these four bills and I have come for a variety of reasons, but one main reason is to make those corrections that are so necessary with the arguments on the other side.

We have heard, why can we not have investigations? Why can we not consider another bill? Why can we not do this or that?

Well, these are all interesting questions but they have nothing to do with this bill. The hyperbole from the opposition has been remarkable.

□ 1730

The contention, they would say, is that unless you are going to win, do not bring the case. That is not what this bill says. This bill simply provides that if the small business owner wins, then OSHA should be responsible for the attorneys' fees. We seek to improve OSHA and make it responsive to the intent of Congress. This bill is designed to strengthen small business and to save jobs.

Again, the magnitude of this issue, 99.7 percent of all businesses are small businesses, 75 percent of all new jobs are in the area of small business. OSHA has a budget of $468 million, with 2,200 employees and 1,100 inspectors. The deck is stacked. Yes, it is stacked; it is stacked against those most beneficial to our economy, small business owners and their employees.

H.R. 742 would allow a small businessman or -woman to recover attorneys' fees if they contest and they win, they win, an allegation in a citation by OSHA. Remember OSHA's budget, $468 million? You win, OSHA was wrong. Right? OSHA was wrong, but you spent thousands of dollars to defend your business and your workers' jobs. Remember, you win against a $468 million budget. So OSHA should reimburse your attorneys' fees. Right? Just like current law. Right? Wrong.

You cannot win. Even if you win your case, you may be out the amount of money it cost to defend yourself. Less money in your business means fewer jobs. Remember, reimbursement only occurs if you win. If you lose, you are responsible, and that is as it should be.

So let us stop punishing the backbone of our economy. Let us stop punishing small businesses and employees and workers. I urge support for H.R. 742, one of four commonsense worker-friendly, job-friendly, small business-friendly bills before us today.

Mr. NORWOOD. Mr. Speaker, it is a pleasure to yield 2½ minutes to the gentleman from Texas (Mr. SAM JOHNSON), another of our subcommittee chairmen.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to express my support for the legislation introduced today by my colleague from Georgia. I am a cosponsor of all four of these bills on the floor today, and I believe they will improve the workplace safety level, the playing field for small business, and ensure that employers and employees are treated fairly.

H.R. 742 encourages OSHA to really look at the merits of the case before it brings unnecessary enforcement actions to court against small businesses. Current law already does allow small business owners to recover attorneys' fees if they successfully challenge a citation; but in the real world of OSHA, it simply does not work for small businesses.

Case in point: in the last 24 years, small business owners have been able to recover costs from OSHA only 38 times. In 2004, only three employers were awarded attorneys' fees, despite more than 86,000 citations issued by OSHA. H.R. 742 also limits its scope to small businesses with less than 100 employees or less than $7 million in net worth. This assures targeted and meaningful relief to those businesses that are least able to cope with these hefty and ongoing litigation costs.

This reform is necessary for the vitality of America's small businesses and the job security of America's workforce. As chairman of the Subcommittee on Employer-Employee Relations, I have seen these bills through the committee and the full House in the past, and I look forward to their passing again today.

Again, I applaud my colleague from Georgia for his hard work on behalf of American small business owners and their employees.

Mr. NORWOOD. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The gentleman from Georgia has 11 minutes remaining.

Mr. NORWOOD. Mr. Speaker, it gives me absolute pleasure to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), my friend and neighbor, who lives right up the road from me in Columbia.

Mr. WILSON of South Carolina. Mr. Speaker, my legal career of 25 years was to represent small business owners. And since coming to Congress 3 years ago, I have worked consistently to make it easier for small businesses to grow and succeed in our country. I appreciate the leadership of the chairman, the gentleman from Ohio (Mr. BOEHNER), and my next-door neighbor, the gentleman from Georgia (Mr. NORWOOD), for their promotion of small businesses.

However, OSHA regulations placed upon our small businesses continue to be among the most complex and difficult legal mandates imposed on employers. The Occupational Safety and Health Small Employer Access to Justice Act is a vital piece of legislation that significantly reduces burdensome government regulations. H.R. 742 levels the playing field for small businesses and encourages OSHA to better assess the merits of a case before bringing unnecessary enforcement actions to court against small businesses.

By passing this vital legislation, Congress will enhance fairness for employers, especially small businesses; and give them new tools to defend themselves against OSHA citations they believe are unjustified. Small businesses provide, in the district I represent, 99 percent of businesses, creating 85 percent of jobs for working people; and Congress should act now to help them succeed.

As a member of the Committee on Education and the Workforce, and cosponsor of the four bills today, I have been honored to work with Chairman BOEHNER and the gentleman from Georgia (Mr. NORWOOD). I applaud their efforts to provide commonsense legislation that will reduce the burden placed upon America's small business owners.

I urge my colleagues to support OSHA reform, H.R. 742.

Mr. NORWOOD. Mr. Speaker, it is a great pleasure to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my colleague from Georgia for yielding me this time, and I am here in support not only of H.R. 742 but of all four of these OSHA reform bills. What we are talking about here, my colleagues, is leveling the playing field, that is all, reforming a 34-year-old act that is long overdue for reform.

During the 2004 elections, what we heard constantly from the other side was the concern about outsourcing of jobs, of losing jobs in this country. Well, there is no way we can compete with other countries with these burdensome rules and regulations like OSHA puts on our small businessmen and -women in this country who create most of the jobs. We just need a level playing field, and I am proud to stand in support of these four bills, and I am proud of my colleague from Georgia (Mr. NORWOOD). Nobody is more concerned about workers and workers' health. He has been a leader all these years in regard to issues like the Patients' Bill of Rights. He has shown great compassion, and I commend him for bringing these bills, and for the gentleman from Ohio (Mr. BOEHNER), the chairman, and the committee for working through this process.

So as my colleagues have said before me, it is time to make these reforms and level the playing field. Yes, protect our workers, but also protect our small employers so they can continue to create these jobs and compete in the world market. Then, and only then, will we end the outsourcing of jobs.

Mr. OWENS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. OWENS. Mr. Speaker, I yield myself the balance of my time and would

like to point out that despite the rhetoric of my colleagues on the other side of the aisle, and we did hear again the last speaker mention the fact that one of the reasons we are attacking OSHA is because employers feel they cannot compete with these regulations. They cannot compete with American workers being treated the way they are being treated.

The humane treatment of American workers stands in the way of profits and competition with the people who are in the developing countries and China. They do not have to treat workers this way. They do not have to spend the money, as I said before.

But I want to point out that this bill is hardly limited to small businesses. The appearance or the notion that small businesses are being persecuted by OSHA, by the government, is an incorrect one. According to the Bureau of Labor Statistics, in 1998 there were more than 6.5 million private sector firms with 99 or fewer employees. H.R. 742 applies to all firms with 100 or fewer employees with a net worth of $7 million or less. These companies, those with a hundred or fewer employees and $7 million or less, comprise about 97 percent of all American businesses.

Let me repeat that. H.R. 742 applies to all but 2 or 3 percent of American businesses. This is the broadest definition of small business that anyone could ever come up with or dream up. It is similar to categorizing elephants as small mammals. It does not tell the story as it should be told.

Mr. Speaker, when it comes to employment-related laws, Congress traditionally defines a small business as one with 20 or fewer employees, 20 or fewer employees. As a matter of fact, that is the definition used on annual congressional appropriation riders, which exempt firms of 20 or fewer workers from scheduled OSHA inspections, 20 or fewer workers, not 100, as this bill treats.

Mr. Speaker, I would also point out that OSHA also has a long-standing practice of reducing penalties for small employers. For businesses with 25 or fewer workers, any OSHA penalty is routinely reduced by 60 percent. Routinely reduced by 60 percent. Likewise, for businesses with between 26 and 100 workers, any OSHA penalty is reduced by 40 percent. Again, OSHA inspectors, in reality, are hardly like the draconian police inspector Javert from the famous novel, ''Les Miserable.''

It is important, Mr. Speaker, to realize that there is a need for both parties to come together and for the Republican majority to yield on its strategy to destroy labor unions. There is a strategy that has been pursued relentlessly to destroy labor unions; and in the process, working families of course get hurt because working families are represented by labor unions. In the effort to destroy labor unions, everything related to them, it gives them some kind of power, has to be destroyed, among them including OSHA.

Members of unions are likely to complain. They are likely to insist on their rights. They are likely to report violations. OSHA is less likely to run over the interests of the workers if there is an accident or some problem. So the relentless pursuit of labor unions is part of the problem with this legislation. It has been brought back because it is a part of a master plan, and that master plan is to sort of distract our attention from the real issues related to safety in the workplace, distract our attention from the fact that it is really an employer protection act that we are concerned with. Employer protection at all cost.

The constituency of the Republican majority party demands it all: destroy the kind of environment and atmosphere that working families have been used to for years in this Nation. Let us change all that because it is not competitive. It is not competitive. It costs too much. We cannot compete with our overseas competitors. We are, in the process, drawn into the trap of class warfare. We hate to hear the term class warfare anywhere in America. Nobody wants to be accused of class warfare, but that is what it amounts to: working families against people who never get enough.

We have bloated capitalism. Aristotle said there are extremes of everything. There are extremes to capitalism. At one end of the spectrum, in terms of economic systems, you have communism; at the other end you have reckless capitalism. Capitalism out of control. Capitalism so greedy it never gets enough. I think democratic capitalism is the hope of the world, and we have enough experience now to know that democratic capitalism is the only system that really works. But if you allow capitalism to go to extremes, it tramples on the rights of workers. It tramples on the rights of consumers.

You know, workers are consumers. There is a madness at work here. As we destroy the buying power of workers, we are destroying that which makes our economy go.

□ 1745

We all agree, there is no debate about the fact that the economy of America is driven by consumer spending. Henry Ford understood that very early when he said, I am going to make cars and pay my workers enough money to buy them. That was a simple, commonsense idea that is at the heart of capitalism today. Two-thirds of our economy is dependent on what people buy. We are going to destroy the consumers by destroying the conditions in the workplace which allow our workers to work productively and get paid appropriately.

The minimum wage of today, Henry Ford would see right away, is not going to allow our consumers to keep buying products. We are lucky; there is a sort of credit card fantasy, an oasis of credit card credit that is driving our economy right now. But slowly, as we lessen the amount of money that flows into the hands of workers, as we move more jobs overseas and encourage outsourcing, as we give more and more of our dollars to China, because we are not giving all of our dollars to China, we are giving the dollars that they use for manufacturing, for production, but the trade with China benefits the wholesalers and retailers.

People are making big profits off China in this country. We would not be dealing with China if somebody was not making big profits in this country, but it is skewed. It is out of balance because in order to make big profits at the upper levels by producing products in a low-cost economy and getting the low-cost product, bringing them back into another economy with a different standard of living and selling those products at that standard, we are having consumers in America pay high prices for the lowest-priced goods that come from China. And the people who sell those goods and buy them from China, they walk off with the profits, along with the Chinese who produce those goods through the deals that have been made. There is more Wal-Mart in China than there is in the U.S., and more all of the time.

They find it so profitable to take the product, the production, the manufacturing to China, and bring back the products to capitalize on the sales here. It is not going to work eventually. We are catering to those who benefit at the top, but it is not going to continue to work because we are destroying our own consumer market. We are going to wake up and find that the economy is going to come to a standstill because nobody is able to buy the products that we want to sell.

Our own class war that we do not recognize and will not recognize will destroy us. Other evidence of a class war is the fact that we continue to give huge tax credits to the people at the very top who need it the least, yet we do not use the power of the Federal Government to increase the minimum wage.

We started this discussion about minimum wage, and we are going to end it on minimum wage. The minimum wage is one way that we guarantee all Americans have a part of American prosperity. We should be paying something like $8 an hour in order to keep minimum wage competitive with when minimum wage was first instituted. We should be paying about $8 an hour to enable those workers to buy the products that we want to sell and keep our economy going.

So minimum wage, we refuse to even consider. Congress has gotten huge increases in their own salaries, and refuse to consider a minimum wage increase for the workers at the very bottom. Is that not an element of class warfare? That is class contempt. That is class hatred, to stamp on those at the very bottom and refuse to use the authority invested in us by the American people.

We have the authority to raise wages, but the same people who are being protected by these bills as far as OSHA is concerned by minimizing their expenses and minimizing any trouble they have to encounter in making the workplace safe, they are being protected by refusing to raise the minimum wage. What is the ultimate danger here? The ultimate danger here is that, one day, working families are going to wake up and say, you have it all wrong. The country belongs to all of us, not you. If you do not want to admit that, it belongs only to us.

Working families are the people who go out and defend the existence of this country in times of war. They will determine whether we defeat terrorism or not. Working families are going to determine that we do not have domestic terrorism spreading in America because working families are going to save America by rising up to throw out people who insist on stamping on them and have contempt for them.

Mr. Speaker, in closing, I urge a ''no'' vote on all four of these bills today.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), and just say we still are on H.R. 742.

Mr. HENSARLING. Mr. Speaker, as a former small businessman, I rise today in support of H.R. 742 and Republican efforts to reduce the regulatory burden on small businesses, the job engine in this country.

The Federal regulatory burden is strangling small business in America. The estimated total regulatory burden in America is now approaching $1 trillion a year. If we could only save 1 percent of that amount, if that could be returned to the marketplace, that would be enough money to provide capital for 400,000 new small businesses. Or it could pay the annual salaries for over a quarter million of our American workers.

Furthermore, according to the SBA, small businesses that employ fewer than 20 workers pay almost $7,000 each year in regulatory cost for every employee. Instead of using these funds to create new jobs or pay higher salaries or fund expanded health care benefits, small business owners are increasingly being forced to spend much of it complying with mind-numbing, inflexible, expensive, draconian and all too often just plain dumb Federal regulations.

H.R. 742 will make a difference in a small way in helping level the playing field for small businesses. It would require OSHA to better assess the merits of a case before it brings unnecessary enforcement actions to court against small businesses. This act will simply help small business owners to recover attorneys' fees if the owner successfully challenges a dubious OSHA citation. And there have been a number. Let us remember, OSHA does not always get it right. These are the folks who alleged that some workers face death or serious physical harm from lifting the top of a sandwich cookie from one assembly line and putting it on the bottom of the cookie on another. Give me a break.

Mr. Speaker, this is a matter of fairness. It is a matter of common sense and American jobs. I urge all of my colleagues to support small business owners and the millions of Americans they employ by voting in favor of H.R. 742.

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

It has been a long 4 hours on four bills. We stayed on the subject for about 2 hours. These four bills are very important, I believe, for the small business community in the country. I realize that the labor union kingpins do not like these four bills, but I promise labor union workers who are out there in small businesses will like these bills.

There have been some outlandish statements that need to be corrected for the record.

Number one, there is nobody on our committee, including myself, any of us who made these bills, that believe for one minute any of these bills are going to harm the workplace safety or health factor. It is simply not going to do that. Somebody said, oh, gosh, if we pass these bills, workers will have more injuries. Members can have that opinion; it does not make it right. That is simply not true.

Somebody said, if you pass these four bills, you are going to weaken OSHA. That is not true either. We are going to help make OSHA work a little better.

Lastly, I want to mention to my friend who said OSHA is a Federal cop. That is the problem. If you believe they are a bunch of police over there, we never will get anywhere with OSHA because until we get this Federal agency working with people in small businesses who want to have a safer workplace rather than a bunch of cops who come around and beat people up, this is never going to work. I had this happen just yesterday in my own district where this female came in, and her badge was bigger than her brain. It was just ridiculous. Until we get a different attitude and not feeling that OSHA is a Federal cop, it is not going to get better.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I congratulate the gentleman from Georgia (Mr. NORWOOD) who has spent a lot of years trying to make OSHA work better for those in the workplace and those who employ them in the workplace. He has done a great job in bringing these four bills out of the subcommittee and to the floor today.

Mr. Speaker, we are here today to help promote a climate of cooperation between OSHA and employers. The focus is on improving workplace safety. In so doing, we have the opportunity to enhance business competitiveness and further job creation.

Now these bills are important and here is why. No small business should be penalized for missing a deadline because of an honest mistake. No small business should have to wait 8 years to have their case reviewed by the Occupational Safety and Health Review Commission simply because it cannot get a quorum.

Thirdly, no small business wants to go up against an OSHA that is the prosecutor, judge and jury all in one.

Lastly, no small business should be required to spend years and significant money trying to recover attorneys' fees after defending itself against a meritless enforcement action by OSHA. These OSHA reform bills can make a real difference in the lives of small businesses that face fierce competition at home and abroad. We truly do believe that these bills will help the effectiveness of OSHA and help improve the workplace safety for millions of American workers. I encourage all of my colleagues to support all four bills.

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to H.R. 742 because workers deserve to know their interests will be represented fairly by OSHA, not weighed by how much money it will cost to bring the claim forward.

We all have small businesses in our districts, and we all know that it saves money to provide for a safe workplace in the first place and preventing accidents.

Workers and their families suffer due to poor safety at some workplaces. They have enough angst because they can't count on their employers to provide protection. Experiencing further betrayal by their Government when they seek justice is the last thing they need.

But, this bill threatens the lives of thousands of workers employed by small businesses because it forces OSHA to consider the costs of attorneys' fees when deciding to take action. Putting this unique burden on OSHA may take away the only recourse employees have to stand up for their safety.

Since Bush took office, it has been clear that he intends to use OSHA to protect big business rather than worker safety. First, he signed legislation overturning workplace safety rules to prevent ergonomic standards.

Then he advocated budget cuts for job safety agencies, such as OSHA and NIOSH. He went even further by suspending twenty-three important job safety regulations. The list goes on and on. This legislation is one more way to weaken OSHA. If this passes it will be that much easier for businesses to avoid OSHA regulations.

If my colleagues on the other side of the aisle really wanted to help workers, they would increase penalties for employers that ignore safety regulations. They would protect companys from dumping their pensions on to the taxpayers and raise minimum wage. These actions would let our workers know that someone is worrying about the costs in their lives as well.

Mr. Speaker, I urge my colleagues to join me in opposing H.R. 742, which is an unnecessary attack on worker protections.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in opposition to H.R. 742, a bill to amend the Occupational Safety and Health Act of 1970 by making it easier for small businesses to recover attorneys' fees from OSHA if the agency brought unjustified

enforcement action. Small businesses under the bill are defined as those with no more than 100 employees and a maximum $7 million in net worth.

More than any of the other bills, H.R. 742 poses the greatest threat to worker safety and health. OSHA, as is almost every other Federal agency, is already required by law to pay attorneys' fees and costs in any proceeding in which the agency's charge is not substantially justified. H.R. 742 singles out OSHA, alone among all Federal agencies, to require it to pay attorneys' fees and costs in any proceeding in which it does not win, regardless of why it lost and notwithstanding the fact that the position of the agency was substantially justified. In effect, unless the agency can guarantee that it will win every case it brings, H.R. 742 punishes the OSHA for trying to enforce the law. The OSH Act does not afford workers a private right of action. If OSHA fails to enforce the law workers have no other means of doing so.

In summary, this bill, as would all the other OSHA bills considered today, would impede the enforcement of worksite safety and health provisions at the very time when more and more Americans have identified safety as one of their foremost concerns. According to a poll conducted in April by NBC and the Wall Street Journal, 84 percent of Americans want Congress to pass legislation that ensures greater workplace safety and health. Supporting this bill would take us in exactly the opposite direction.

Mr. CONYERS. Mr. Speaker, today, I express strong opposition to H.R. 742, the Occupational Safety Health Small Employer Access to Justice Act.

This fee shifting legislation before us is really a wolf in sheep's clothing. It is dangerous to our workers, overbroad, and unnecessary.

The bill is dangerous because it creates an incentive for employers to litigate with OSHA rather than to correct any safety flaws in the workplace. Since OSHA was created in 1970, its mission has been clear: "to assure so far as possible every working man and woman in the nation safe and healthful working conditions." Unfortunately, H.R. 742 will undermine that goal and penalize OSHA for any instance in which it attempts to safeguard worker safety and loses the case even for technical reasons.

The bill is overbroad because it applies to any company with less than 100 employees, regardless of their revenues or their safety record. Currently, over 6.5 million private sector establishments fall into this category, more than 97 percent of all employers. These companies employ more than 55 million workers. Many of these businesses have millions if not billions of dollars in annual revenues, and have no business being covered by a "small business" bill.

The bill is unnecessary because this Committee has not received a shred of evidence that OSHA has pursued unwarranted litigation or abused its prosecutorial discretion. To the contrary, more than sixty percent of OSHA citations resulted in settlements, and OSHA wins nearly four out of five cases that make it to the Federal appellate level.

Moreover, employers are already entitled to the recovery of legal fees under the Equal Access to Justice Act. That law specifies that the government must pay the prevailing party's fees and costs in any situation in which the government's position was not "substantially justified." This offers more than sufficient incentive to prevent OSHA from overstepping its authority.

So we have before us an unnecessary and unwarranted bill, that, punishes an effective agency, and places our workers in danger. I urge Members to reject this measure.

Mr. BLUMENSUER. Mr. Speaker, this Congress has repeatedly undermined protections for the American workforce, shifting emphasis from employees to employers. Just like the identical bills introduced last year, the four bills brought to the House floor today are further examples that hinder the efficacy of the Occupational Safety and Health Administration (OSHA), taking away protections from the workers that need them most, and shielding businesses from government oversight.

As of late, Congress' hostility towards workers' rights has been widespread. Recently, I decided to oppose the Central American Free Trade Agreement (CAFTA) because it does not do enough to ensure adequate and fair labor laws for workers in foreign countries. Now today, Congress is trying to roll back significant worker protections that were put in place for our workers here at home.

Rather than "reform," the fact of the matter is that these four pieces of legislation weaken OSHA and undermine Congress's original intent when OSHA was enacted in 1970. Americans deserve a safe and healthy workplace. Limiting OSHA, the agency created to ensure workers receive these basic rights, will do nothing to advance the cause.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). All time for debate has expired.

Pursuant to House Resolution 351, the bill is considered read for amendment, and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

H.R. 739, by the yeas and nays;

H.R. 740, by the yeas and nays;

H.R. 741, by the yeas and nays; and

H.R. 742, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 739, on which further proceedings were postponed earlier.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 164, not voting 13, as follows:

[Roll No. 369]

YEAS—256

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns

Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Velázquez
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—164

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—13

Abercrombie
Brown, Corrine
Cardin
Conyers
Cox
Hinojosa
Jones (OH)
Miller (FL)
Myrick
Obey
Pombo
Shadegg
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1821

Messrs. GEORGE MILLER of California, BERMAN, and ORTIZ changed their vote from ''yea'' to ''nay.''

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 369, had I been present, I would have voted ''no.''

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 740, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 185, not voting 14, as follows:

[Roll No. 370]

YEAS—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—185

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Abercrombie
Brown, Corrine
Cardin
Conyers
Gutierrez
Jones (OH)
Miller (FL)
Myrick
Obey
Pombo
Rangel
Shadegg
Towns
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1828

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 741, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 197, not voting 10, as follows:

[Roll No. 371]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Abercrombie
Brown, Corrine
Cardin
Conyers
Jones (OH)
Miller (FL)
Myrick
Obey
Pombo
Shadegg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1835

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 742, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 187, not voting 11, as follows:

[Roll No. 372]

YEAS—235

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Velázquez
Walden (OR)
Walsh

Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—187

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu

NOT VOTING—11

Abercrombie
Brown, Corrine
Cardin
Conyers
Jones (OH)
Menendez
Miller (FL)
Myrick
Obey
Pombo
Shadegg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1843

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MENENDEZ. Mr. Speaker, I was unavoidably detained on this last roll call vote. Had I been here to vote, I would have voted ''no.''

The SPEAKER pro tempore. Pursuant to section 5 of House Resolution 351, the text of H.R. 740, H.R. 741, and H.R. 742 as passed by the House, will be appended to the engrossment of H.R. 739 and H.R. 740, H.R. 741 and H.R. 742 shall be laid on the table.

PERSONAL EXPLANATION

Mr. POMBO. Mr. Speaker, on July 12, 2005, I missed four recorded votes. Had I been present, I would have voted ''yea'' on H.R. 739, the Occupational Safety and Health Small Business Day in Court Act of 2005 (rollcall No. 369); ''yea'' on H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005 (rollcall No. 370); ''yea'' on H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act of 2005 (rollcall No. 371); and ''yea'' on H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act of 2005 (rollcall No. 372).

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I rise today to enter into the RECORD that on July 12 of this year, due to unavoidable circumstances, I was unable to be present. If I had not been detained today, July 12, 2005, I would have voted as follows:

On Previous Question on OSHA rollbacks, I would have voted ''nay'' to defeat the previous question on the Rule. If defeated we would have allowed the House to consider the Miller-Owens bill to raise the minimum wage. The minimum wage would be raised to $7.25 an hour from $5.15 an hour. The minimum wage has been frozen since 1997.

On H. Res. 351—rule providing consideration for 4 OSHA rollback bills—I would have voted ''nay.''

On H. Res. 352—providing that the House of Representatives will focus on removing barriers to competitiveness of the United States economy—I would have voted ''nay.'' I would not have supported the legislation because it would not improve U.S. competitiveness. Instead this resolution attempts to blame trial lawyers and ''regulation'' for the challenges facing the U.S. economy.

On H. Res. 343—commending the State of Kuwait for granting women certain important political rights—I would have voted ''yea.''

On H.R. 804—to exclude from consideration as income certain payments under the national flood insurance program—I would have voted ''yea.''

On H.R. 68—NASA and JPL 50th Anniversary Commemorative Coin Act—I would have voted ''yea.''

On H.R. 739—OSHA rollback on employer citations—I would have voted ''nay.'' I would not have supported the legislation because it undermines the timely abatement of unsafe working conditions, encouraging employers to challenge OSHA citations. One of the principal purposes of the Occupational Safety and Health Act is ''to assure so far as possible every working man and woman in the nation safe and healthful working conditions.'' However, this bill effectively delays the timely abatement of unsafe working conditions, by encouraging employers to litigate citations rather than correcting health and safety hazards.

On H.R. 740—OSHA rollback to stack the Occupational Safety and Health Review Commission—I would have voted ''nay.'' I would not have supported the legislation because it unjustifiably ensures that only lawyers are appointed to the Commission.

On H.R. 741—OSHA rollback of the Secretary of Labor's authority to issue citations—I would have voted ''nay.'' I would not have supported the legislation because it provides that the OSHA Review Commission shall have deference to override the Secretary of Labor's reasonable interpretations of the Secretary's own workplace safety standards—thereby increasing the incentives for challenges to Labor Department's rules and regulations.

On H.R. 742—OSHA rollback to require OSHA to pay attorneys' fees—I would have voted ''nay.'' I would not have supported the legislation because it requires OSHA to pay attorneys' fees and costs for employers with 100 or less employees and a net worth of $7 million or less in an administrative or judicial proceeding in which OSHA does not prevail. It is a blatant attempt to chill OSHA's exercise of statutory responsibility to enforce the Occupational Safety and Health (OCS) Act, by penalizing the agency for every instance in which it attempts to do so unsuccessfully, and therefore, undermined the enforcement of workplace health and safety laws.

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, I was testifying before the BRAC Commission on June 27 for the purpose of protecting 1,075 jobs in Cleveland, Ohio, from removal by the BRAC process. Had I been here, I would have cast the following votes: roll call 322, aye; roll call 323, aye.

□ 1845

ECONOMIC AND JOB GROWTH

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

Mrs. BLACKBURN. Mr. Speaker, you know last night I came down and had a little bit to say about the jobs, 146,000 new jobs that this economy, this private sector has grown in June, and near historic lows in unemployment at 5 percent.

And with the economic growth, the tax reductions, our deficit will be $100 billion lower than original projections. And we are going to continue to build on all of this.

Today, Mr. Speaker, I want to call attention to another article, this one on spending regulation keeps growing. And I think that is one of the things that we continue to look at and one of the reasons that we are addressing some of the bills and legislation that we are this week.

It is also the reason that we continue to address waste, fraud and abuse in this Congress, finding ways to reduce the cost of government so that this economy will continue to move forward and continue to grow.

HONORING THE LIFE AND CONTRIBUTION OF LIEUTENANT MICHAEL MURPHY

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize a fallen hero from my district who gave his life for our Nation. Lieutenant Michael P. Murphy, a U.S. Navy SEAL, age 29, was killed in action last week when he and three other SEALS were ambushed by terrorists during a reconnaissance mission in Afghanistan.

Lieutenant Murphy was from Patchogue, a town on Long Island which will never forget the ultimate sacrifice of one of its favorite sons. A common thread ran through Lieutenant Murphy's life, his selfless and steadfast dedication to others.

Growing up as a life guard, he watched out for local residents in the town of Brookhaven. After he graduated from Penn State, he chose his country first. He turned down acceptance to two law schools to pursue his dream of defending this country as a highly trained member of the special forces.

But Lieutenant Murphy's dedication would not have stopped there. He planned on joining the FBI's counterterrorist unit after he left the Navy. Lieutenant Murphy died doing what he loved, as he once described military service to his father.

It is fitting that he be awarded the Silver Star posthumously for his valor and sacrifice. Mr. Speaker, our thoughts and prayers remain with Lieutenant Murphy's family and his fiance. We owe him a debt of gratitude that can never be repaid.

LACK OF SUPPORT FOR CAFTA

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

Mr. BROWN of Ohio. Mr. Speaker, the Central American Free Trade Agreement will likely be brought up for a vote this month. The opposition to CAFTA is broad and deep. Dozens of Republicans and Democrats in this body oppose the Central American Free Trade Agreement.

Small manufacturers and organized labor oppose the Central American Free Trade Agreement. Family farmers and small ranchers and environmentalists oppose the Central American Free Trade Agreement.

Catholic bishops in Central American, in fact the cardinal from Central America is visiting this Chamber, this House this week, and Lutheran and Presbyterian and Jewish leaders in the United States are opposing the Central American Free Trade Agreement.

The reason there is this broad and deep opposition is because the Central American Free Trade Agreement was negotiated by a select few for a select few. We do not oppose trade; we support fair trade. Renegotiate the Central American Free Trade Agreement. Defeat this CAFTA. Bring forward a CAFTA that can get the broad support of farmers and ranchers and businesses and labor.

FREEDOM OF WORSHIP

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

Ms. FOXX. Mr. Speaker, it was my great pleasure to attend services earlier this month at Arlington First Baptist Church in Jonesville, North Carolina, at the invitation of Pastor Jerry Fugate and my dear friends Ray and Betty Shore.

Area elected officials were invited to worship that day and to celebrate our country's independence. On the front of the bulletin was Romans 13:4: ''For government is God's servant for good.''

On the back of the bulletin was this message: ''The first part of the First Amendment to the U.S. Constitution says, 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.' Yet today we see a constant barrage of individuals and organizations who prattle on and on about the separation of church and State, a concept nowhere to be found in the Constitution or its amendments.''

I thank Pastor Fugate for the focus on the first amendment of the Constitution. I urge other churches to do all they can to help our citizens know what our Constitution says so they can be protected by it and help preserve it.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2567

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2567.

The SPEAKER pro tempore (Mr. WALDEN of Oregon.) Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE COST OF ILLEGAL IMMIGRATION ON THE PEOPLE OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to bring attention to the issue of illegal immigration that is perhaps the most important concern to my Texas constituents.

I want to address just one matter, the cost. Government and academic estimates indicate there are 9 to 11 million illegal people living in the United States. Immigration officials estimate that the illegal population grows by as many as 500,000 a year; some say 4,000 a day cross into Texas from their southern border.

Someone pays for this illegal activity, and that somebody is the American public, not the illegal immigrants. There is a tremendous strain on local and State communities because of unrestricted illegal immigration throughout Texas and the entire United States.

While it is the Federal Government's responsibility to control immigration, it is the people of the States and local communities that pay the cost. They are the victims of illegal immigration. Those Americans spend millions of tax dollars on education, health care, and criminal justice for those that are here illegally.

Donald Huddle, a Rice University economics professor, has done a study that estimated the cost that we pay for illegals in this country. This chart here shows that the American public pays approximately $32 billion a year for the cost of illegal immigrants, such as public education. It is about $5 billion Americans pay.

Social security, $3 billion. Medicaid, $3 billion. Total cost to American taxpayers, about $32 billion a year we pay the cost of illegal immigration. When this study was done, the population of illegals in the United States was about 5 million. Now the population has doubled, and the costs have more than doubled.

Besides these stunning costs, Americans have to pay for their own health care and their own education of their own kids. Many Americans cannot afford these costs for their own families, but they are made to pay the same costs for illegals.

Mr. Speaker, education, public safety and basic health care are the roles provided primarily by our States and local communities. U.S. taxpayer dollars on the local level are used to pay for these services. Yet these communities are continuing to absorb more and more demand for these services while the resources to provide them cannot keep up.

I would like to specifically point out some of the costs that citizens must provide: one, health care. Emergency rooms, the most expensive health care system, are used by illegal immigrants because of the compassion of Americans. We do not turn people down at these hospitals. If the immigrants do not pay, Americans pay.

Some trauma centers in urban areas have closed because they cannot absorb the costs to pay. People are in the system who do not contribute to it financially.

In Michigan, 23 criminal cases were filed alleging that pregnant women from Syria, Lebanon and Yemen flew into the United States, falsified information on Medicaid forms to cover those costs of delivering their babies,

and then returned to their native countries within a few months. Americans paid for all of this criminal activity. Also, the quality of health care will diminish because those in the system are not paying their way.

Second, education. The Supreme Court ruled in 1982 that all kids in the United States would be provided a free education. This cost continues to rise due to the fact that Americans are paying for and educating kids illegally in the United States.

Local property taxes continue to rise. And the quality of education will suffer. Why? Because there are people receiving from the education system, but are not contributing to it financially. Those are people that are here illegally.

Just last year, California spent over $7 billion a year educating illegal immigrant children. Once again, our compassion for others is to the detriment of our own kids.

In the criminal justice system, where I was a judge in Harris County, over 20 percent of the people in jail were illegally in the United States. Americans provided those individuals a defense attorney, a court system, a trial, and they paid for the incarceration if those individuals were convicted.

Who pays for this? Americans. Americans always pay. Mr. Speaker, everybody wants to live in the United States, but not everybody can live here. We need rules that are fair, and people must respect our rule of law and our borders.

American taxpayers cannot afford to pay for those here illegally who use our health care facilities, our education systems, and go through the criminal justice system.

The failure of this Congress to act on correcting our broken immigration system trickles down to the communities which we all represent, especially those of us who represent border States. The American taxpayer is funding illegals, and we must put a stop to the problem sooner rather than later.

□ 1900

If we continue to offer free education, health care services and provide a criminal justice system, are we not encouraging more illegals to come to the United States?

This just ought not to be.

1996 COSTS TABLE FROM THE HUDDLE STUDY PROGRAMS

Public Education K–12	$5,850,000,000
Public Higher Education	710,000,000
ESL and Bilingual Education	1,220,000,000
Food Stamps	850,000,000
AFDC	500,000,000
Housing	610,000,000
Social Security	3,610,000,000
Earned Income Tax Credit	680,000,000
Medicaid	3,120,000,000
Medicare A and B	58,000,000
Criminal Justice and Corrections	76,000,000
Local Government	5,000,000,000
Other Programs	9,250,000,000
Total Costs	$32,740,000,000

HONORING JUDGE MEYER M. CARDIN

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, 2 days from today, July 14 of this year, Meyer M. Cardin would have turned 98 years of age. Meyer M. Cardin was a beloved member of the Maryland community. Meyer M. Cardin was the father of our colleague, the gentleman from Maryland (Mr. CARDIN).

Judge Meyer Cardin was not only a wonderful human being, Mr. Speaker, but also a respected jurist, a committed public servant and a patriotic American. He was born in Baltimore on July 7, 1907, and then educated in the public schools of Baltimore City. He also attended the Army and Navy Prep School.

He received his law degree from the University of Maryland Law School and was admitted to practice law in 1929, 10 years before I was born. Six years later in 1935 at the age of 27, Judge Cardin was elected to the Maryland House of Delegates and served in that body for 2 terms, 8 years. At the time of his death, Mr. Speaker, he was the oldest surviving former member of the Maryland General Assembly.

In 1955, Meyer Cardin became Chief Police Magistrate for Baltimore City and served in that post for 2 years. He then served as the Chief Judge of the traffic court in Baltimore City before becoming the Chairman of the Workmans Compensation Commission in 1958. Judge Cardin was then appointed as an Associate Judge of the Baltimore City Circuit Court by former Governor J. Millard Tawes in 1961 and served in that capacity until his retirement on his birthday July 14, 1977.

Mr. Speaker, the true measure of a successful man or woman is not simply the personal accomplishments that I have articulated or something that they have achieved in terms of honors throughout the course of their life or in their professional career.

No, Mr. Speaker, the true measure of a successful person is also whether they have made their community, their State, their church, in this case their synagogue, their Nation a better place and whether they have done their best to ensure that their children and the members of their family are contributing, productive members of our society. By this measure, Mr. Speaker, there can be no doubt that Meyer M. Cardin was an enormously successful human being.

For some eight decades, the Cardin name has been synonymous with public service and civic-mindedness. That is due in large measure to the work of Meyer; his brother, Maurice, who practiced law at the family law firm and also served in the House of Delegates; his son, the gentleman from Maryland (Mr. CARDIN) who is well known to us here for his intellect and commitment to public service; his son, Howard, who is a successful lawyer; and now, Mr. Speaker, his grandson, of whom he was extraordinarily proud, as he was proud of all of his grandchildren, John, who now serves in the House of Delegates.

Mr. Speaker, tonight, I want to offer my condolences and the condolences of all my colleagues to my friend, the gentleman from Maryland (Mr. CARDIN); to his brother, Howard; and to all of their family, to all of the friends of Judge Cardin.

Meyer Cardin lived a long prosperous and productive life, but more importantly, he has set a strong example and created a legacy that will long endure.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader, a daughter of Baltimore, whose father was a very close friend of Meyer Cardin.

Ms. PELOSI. Mr. Speaker, I know the time is short so I wish to associate myself with the gentleman's magnificent and eloquent remarks about Meyer Cardin.

I knew him when I was a little girl growing up in Baltimore. He was a friend of my father's, as the gentleman has said. What was wonderful about Meyer Cardin was not only the magnificent contribution he made to the community, to the civic life of Baltimore but the joy that he did take in his family. I will never, I will absolutely never forget his coming over here for the gentleman from Maryland's (Mr. CARDIN) swearing in time and again, and the pride he took and the youthfulness up into his nineties that he always had.

My condolences as well to the gentleman from Maryland (Mr. CARDIN) and Myrna and also to Howard. And the pride they take in John running for office, this is not an easy task, although the Cardin name is a legendary one in Maryland. It is with great pride that we look to the service of the gentleman from Maryland (Mr. CARDIN) in the House of Representatives, because when I was born, my father served in that same seat. It was configured differently all those many years ago, but nonetheless, the gentleman from Maryland (Mr. CARDIN) still represents that part of Baltimore City and beyond.

Again, the Cardin name is legendary, as the gentleman said, for eight decades. A gentle man, a lovely person, a sense of humor, a sense of history, a sense of community, a devoted family person. I hope that it is a comfort to the entire family that so many people mourn their loss and are praying for them at this sad time. But what a triumph to live such a respected life, such a fulfilled life well into his nineties.

I think that God has rewarded him with what we all pray for, a long and happy life.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I know you are being kind on the timing.

In closing, let me say this, Meyer M. Cardin was a good and decent human

being. He was beloved by his family, beloved by his friends and his community and by his State. Meyer Cardin was a great American, a great human being, a great dad, a great grandfather, and he will be missed sorely. But the gentlewoman from California (Ms. PELOSI) is absolutely correct. His life was a joy and a triumph.

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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

RENEGOTIATE CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am here on the floor again tonight to talk about my opposition to CAFTA, the Central American Free Trade Agreement.

I want to start my comments by quoting Ross Perot who was a candidate for the presidency in October 1992. I quote Mr. Perot, ''You implement that NAFTA, the Mexican trade agreement, where they pay people a dollar an hour, have no health care, no retirement, no pollution control, and you are going to hear a giant sucking sound of jobs being pulled out of this country right at a time when we need the tax base to pay the debt.''

That is what Mr. Perot said in 1992.

Mr. Speaker, since NAFTA became the law of the land, let me tell you what happened in my State of North Carolina. North Carolina has lost over 200,000 manufacturing jobs. The United States has lost over 2.5 million manufacturing jobs. CAFTA will continue these trends; 85 percent of the language in CAFTA is identical to the language in NAFTA.

Mr. Speaker, let me talk about Trade Promotion Authority, which I did not support. Since Trade Proportion Authority of August of 1992, North Carolina has lost over 52,000 manufacturing jobs; the United States has lost over 600,000 million manufacturing jobs.

Mr. Speaker, CAFTA will do nothing else but to help eliminate jobs in this great Nation. I do not think we as a Nation can afford to continue to see jobs go overseas, whether they be to Central America, China or other countries.

Mr. Speaker, this past weekend, I found an advertisement in a magazine, and it starts out, Are we blind? Can't we see what is happening to us? This is an ad by the Economy in Crisis. It is creating an awareness about our true economic conditions.

Let me take just two aspects of this ad, Losing ownership and control of our country: We are losing ownership and control of our country through unsustainable balances of trade deficits. In the last 10 years, we have lost $3 trillion through these trade deficits. $1.3 trillion has been returned and used by foreign companies to buy our best companies like Chrysler, Amoco, Atlantic Richfield Oil, and 8,600 other great companies. For example, key chokepoints, industries like cement is 81 percent foreign owned. The movie industry is over 70 percent foreign owned.

Mr. Speaker, additionally in this ad it says, How well and how long can we live like this? I read just one sentence, How secure can we be if we must live on imports and sell off or dismantle our factories?

Mr. Speaker, that is what this is all about. CAFTA is not good for this country. You will see to my left and to my right, one is a newspaper article that says VF Jeanswear Closes Plant, 445 Jobs Gone By Next Summer. Mr. Speaker, those jobs went down to Honduras.

Mr. Speaker, those jobs went down to Honduras. And just 2 years ago, in North Carolina, it says Pillowtex Goes Bust, Erasing 6,450 Jobs and the subtitle says, Five North Carolina Plants Closing in Largest Single Job Loss in State's History. That was just 2 years ago, Mr. Speaker, in 2003.

I do not know how we as a Congress can pass the CAFTA legislation as it is drawn. I agree with my friends on the other side of the aisle, Democrats and also Republicans who are opposed to CAFTA as it is drawn today. We need to rewrite, redraw this treaty with the Central American countries so that it can work for them as well as it works for the United States.

Mr. Speaker, in closing, I would like to show the those in attendance on the floor a candy. It says: Candy decorated fruit snack. And this was made in China.

Mr. Speaker, again, in closing, I hope that we on the House floor will do what is right, and that is to help protect jobs in America and help protect the American people who are working so hard to pay their taxes and meet their obligations.

Mr. Speaker, I ask God to please bless our men and women in uniform and please bless America.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, back in my district this past weekend, I had an extraordinary meeting with a group of veterans, many of them from Alpha Company 579th Engineering Battalion who have recently returned from a tour in Iraq.

During their deployment, this National Guard unit of 88 mostly California soldiers lost 3 comrades; 23 were wounded in action. And they also received 26 Purple Hearts, eight Bronze Stars and one Meritorious Service Medal.

Saturday's town meeting was not about my position on the war or anybody else's. We were there to provide information about the services and benefits available to returning soldiers. We had the VA regional director as well as a local vice chairman from a group called Employment Support for the Guard and Reserve. One of our speakers was the National Managing Director of Helmet to Hardhats, an organization that helps place veterans in construction jobs. The administrator from the largest veterans home in the country in Yountville, California, was there. And we heard from a man who started a nonprofit called Welcome Home Heroes devoted simply to treating an Iraq or Afghanistan veteran to a night out with his or her family at a nice restaurant.

For so many soldiers, the return from the battlefield is just the beginning of their ordeal. There are those who have been wounded or mentally traumatized or both and must learn to cope with a life-altering condition. But even if you come home unscathed, the transition back to civilian life can be rough going. There are jobs to find, educations to complete and loans to pay off. There are cases in which service to the Nation has cost veterans their homes or their small businesses. Some may need family counseling to readjust to domestic life.

We cannot let them down. I was profoundly disappointed a few weeks ago when we learned that the Department of Veterans Affairs found itself a billion dollars short of what was necessary to cover veterans health expenses for the year 2005. But this body did the right thing by quickly passing a supplemental to help fill the gap before we left for the Fourth of July holiday, although the appropriations I believe could have been more generous.

How could we go home to celebrate the birth of American freedom if we were not doing our part to support our troops in the field today?

Every Member of the House who voted that day voted aye, voted for the bill which just goes to show, Mr. Speaker, that there is and there should be little partisanship when it comes to support for our veterans.

□ 1915

I do not know anyone on either side of the aisle in this Chamber who does not feel the utmost pride in the brave men and women who are on the front

line in Iraq. I do not know anyone who is not filled with gratitude for their sacrifice. Where I part with many of my colleagues is in my belief that the best way to support the troops is to bring them home as soon as possible, a position shared by a majority of the American people, by the way.

Helping war veterans is a top priority for me. But ironically, one that in an ideal world would hardly be necessary if the United States adopted what I call a SMART Security plan. War would be an absolute last resort, something we turn to reluctantly, only after every diplomatic channel has been pursued. The smart in SMART Security stands for Sensible Multilateral American Response to Terrorism.

As the tragedy in London demonstrates, our belligerence has not made America or the world safer; and it is time, I believe, that we had a new approach, one that relies on multilateral alliances and improved intelligence to track and detain terrorists, one that renews our commitment to nuclear nonproliferation, one that invests aggressively in international development to attack the poverty and hopelessness that breed terrorism in the first place.

SMART is tough, pragmatic, and patriotic. It protects America by relying on the very best of American values: our commitment to freedom, our compassion for the people of the world, and our capacity for global leadership.

Criticism of our Iraq policy must never be misinterpreted as criticism of those on the ground carrying it out. We must stand with our veterans, the fearless Americans literally wearing the scars of a war that they did not choose. Just because a policy may be flawed, and I believe it is, does not detract from the remarkable job they do. We must show the same selflessness toward them that they have showed toward our Nation.

COMPREHENSIVE IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, I rise today to issue a challenge to my colleagues, those who have criticized the comprehensive immigration reform that has been offered as legislation. In the last Congress, the gentleman from Arizona (Mr. KOLBE) and myself and Senator MCCAIN in the Senate offered comprehensive immigration reform. We have offered a similar bill this year. There have been a lot of critics who have taken the floor and have said that we should not do this; what we need to do rather than have comprehensive immigration reform is to simply secure the border and enforce the law, enforce the current law.

Let me just run down what that actually entails. If we were to enforce the current immigration laws that we have, it would mean that we would literally round up between 10 million and 15 million illegal aliens who are here presently, uproot them from their jobs, often from their families, and ship them home to their home country where they would be subject to a 10-year bar from reentry. After that 10 years, then they would get in line to go through the legal orderly process, which would probably take another 20 years.

Now, when I explain that to those who are critics of our immigration bill, they often say, well, we do not mean to enforce the current law as it is. Let us selectively enforce it. Let us go after the criminals, not after those who are legally law-abiding here. Well, that is called selective enforcement, and some will actually use that term. We need to selectively enforce the law. I ask the critics of comprehensive immigration reform, how is that any less of an amnesty than what has been proposed?

Under our legislation, anyone here illegally, who has broken no other law than crossing the border illegally, would be required to register, pay a fine, and wait as many as, at least 6 years until the current backlog of those going through the legal orderly process in their home country is complete. Then they would be forced to pay another $1,000 fine. How is that an amnesty, when simply selectively enforcing the current law is not?

Please explain. For those who are criticizing comprehensive immigration reform, how are you going to secure the border and enforce the law without a temporary worker program? Our legislation realizes that there are many here, probably around 8 million, that are in the workforce currently. Unless we are willing to uproot them and send them all home, then we have to have a temporary worker program or a guest worker program before we can enforce the law. That is why we have to have comprehensive immigration reform that says we need the rule of law.

In order to have the rule of law, we must have a law we can enforce. That is what this is all about, and that is the challenge I issue to those criticizing the comprehensive immigration reform that has been offered, the McCain-Kennedy-Kolbe-Flake-Gutierrez bill. Please come up with your own. Explain how we are going to enforce the current law unless we have a temporary worker program.

People say, let us secure the border first, enforce the current law, and then see if we need a guest worker program. I have already explained what it means to enforce the current law. If you believe that is what we need to do, please proffer a bill. Write legislation. If that is what we need to do, then, please, stand here and suggest it. Otherwise, join us. Join us in our quest to actually have a law that we can enforce. Let us have the rule of law. That is what this country was built on. That is what we need to return to.

It is not a healthy situation to have 10 million to 15 million people here illegally who are below the law, who work in the shadows. That is not healthy for national security. It is not good for our economy, and it is not humanitarian either. We simply need to change the law.

So I invite my colleagues, please, submit legislation. Join this great debate that we have, but do not criticize unless you are willing to offer legislation yourself.

CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the Central American Free Trade Agreement, according to Republican leadership, will come to a vote sometime this month. The Central American Free Trade Agreement was signed 13 months ago by President Bush. Every other trade agreement voted on in this Congress has been voted on within 2 months of the President's signature. That is, those trade agreements with Morocco and Chile, Singapore and Australia, all passed the Congress comfortably by wide margins within 60 days of the President affixing his signatures to them.

This trade agreement, CAFTA, was signed by President Bush in May of 2004, and it has not been brought to this Congress for a vote for one simple reason. One simple mathematical reason: the votes simply are not there to pass this agreement. The votes are not there because of the opposition from dozens of Republicans and Democrats, the opposition from small manufacturers and labor unions, and the deep and broad opposition from small farmers and from family farmers and ranchers and environmentalists. The opposition to CAFTA comes from Catholic bishops in Central America and Lutheran and Presbyterian and Jewish leaders in our country.

It is clear this agreement would not pass the House of Representatives today because Americans, in larger and larger numbers, including Members of Congress, representatives of the American people, understand our trade policy simply is not working.

Look at this chart. In 1992, the year I was first elected to Congress, we had a trade deficit. That means we exported less than we imported. We had a trade deficit of $28 billion. Last year, our trade deficit was $618 billion. From $38 billion to $618 billion trade deficit in only a dozen years. It is clear our trade policy is not working when we have these kinds of trade deficits, coupled with the budget deficits we have seen the last 5 years.

Now, these might just be numbers to economists, these numbers about the trade deficit, but here is what they really translate into. The States in red are States which have lost 20 percent of

their manufacturing jobs in the last 6½ years. The States in blue have lost 15 to 20 percent of their manufacturing jobs. Now, again, those are numbers, but think about this. My State, and the State of my colleague, the gentlewoman from Ohio (Ms. KAPTUR), has lost 217,000; and the gentleman from Ohio (Mr. STRICKLAND), who has joined us, has lost 217,000. The State of our colleague, the gentleman from Oregon (Mr. DEFAZIO), has lost 28,000. The State of the gentleman from Illinois (Mr. EMANUEL) has lost 224,000. My colleague over here, the gentleman from Iowa (Mr. KING), has lost 32,000. Pennsylvania has lost 200,000; New York, 222,000; Michigan, 200,000; Texas, 200,000 jobs; and California, 353,000.

These are families who have lost their principal source of income. These are people living in school districts which have seen plants close and funding for education plummet. These are people who live in communities that have inadequate police and fire protection because the tax base in these school districts and in these cities and communities have been eroded when plants close. So it is clear that our trade policy simply is not working.

Now, the supporters of the Central American Free Trade Agreement love to say three things: they say that CAFTA will increase jobs in the United States; they say CAFTA will mean more production, more manufacturing in exports to other countries; and they say that CAFTA will increase, enhance, bring up the standard of living in each of these developing countries in Central America and the Dominican Republic. Well, Benjamin Franklin said the definition of insanity is doing the same thing over and over and over and expecting a different result. Presidents always, President Clinton and now President Bush, always promise the same things, more jobs, more manufacturing exports, a higher standard of living in the developing world. It does not work.

They tell us that these CAFTA countries will buy more American goods; that we will manufacture more goods and export them to these six countries. But, Mr. Speaker, if you look at this chart that says ''show me the money,'' look at the income levels. The United States income of the average person is $38,000; in Costa Rica it is 9,000; the Dominican Republic, 6,000; El Salvador, 4,000; Guatemala, 4,000; Honduras, 2,600; Nicaragua, 2,300.

Guatemalans making $4,100 a year are not going to buy cars made in Toledo, Ohio, the district of my colleague. Hondurans making $2,600 a year are not going to buy software from the State of my colleague, the gentleman from Oregon (Mr. DEFAZIO). Nicaraguans making $2,300 a year are not going to buy a prime cut of beef from Illinois or from Nebraska. El Salvadorans making $4,800 a year are not going to be able to buy textiles and apparel from North Carolina and South Carolina and Georgia.

Mr. Speaker, this trade agreement does not work. Defeat this CAFTA and renegotiate a better trade agreement for all Americans and all of Central America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLIC HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise this evening to talk on a subject which is not often addressed on the floor of the House, which is public health, particularly public health as relates to threats of bioterrorism or naturally occurring events.

Today, and I am a member of the Committee on Homeland Security, we had some rather disturbing revelations of the lack of progress with Operation BioShield, which seems to have done more to enhance the profits of the pharmaceutical industry, to engage in some exotic forms of research, to ignore some off-the-shelf remedies which could deal with very real and horrible threats, such as the potential for a nuclear device that could deal with the radiological aftermath and things of that nature.

Now, the Committee on Homeland Security will continue to investigate those areas and deliberate in those areas, and that is good, because we need to improve how we target those funds, how they are spent, and how we assess the threats to the people of the United States. More than $12 billion was spent on smallpox and anthrax, the anthrax attack apparently perpetuated by somebody who perhaps stole that from Ft. Detrick, Maryland; and smallpox, of course, is not yet known to be a threat.

The administration, however, has ignored a very real threat to the American people. Many of us experienced the fact that last year there was not enough flu vaccine, because we have left it to the private sector, free markets, and competition to provide flu vaccine; and it is not working real well. This is not the first shortage in recent years, not the first series of price gouging for vulnerable people. It has become recurrent year after year.

Last year, I did not get a flu shot, as many other Americans did not, in order to give up our doses for those who might be more at risk.

□ 1930

The system is broken. We can only hope that the Bush administration will begin to take more definitive action and introduce legislation along those lines.

But even more threatening than the annual flu occurrence is the prospect of H5N1, the avian flu virus, mutating and becoming the next pandemic attacking people around the world. It is estimated that 30 to 70 million people could die, many here in the United States, similar to the 1917, I believe, epidemic.

The Bush administration has been charged, granted we have known about H5N1 for quite some time, and the Clinton administration did very little in this area, so there is blame to go around. But it has become more persistently reported. It has reached more epidemic proportions. There have been more human infections, more reports of possible human infections being concealed by the Chinese communist government, as they often do in these matters. And the Bush administration in the last year spent a total of $110.3 million, $70.5 million for vaccines, and $15.6 million for antiviral drugs. Despite the fact that the World Health Organization tells us we should be stockpiling these drugs, the Bush administration is not stockpiling these drugs.

Mr. Speaker, $15.6 million for antiviral drugs. That is less than half of what they spent on adolescent family life prevention projects. They spent nearly twice as much money on abstinence-only education money in America as on all flu vaccine spending.

A looming pandemic, and the Bush administration and Health and Human Services are off worried about abstinence-only education, as opposed to an extraordinary threat to millions of Americans.

This could become an incredible problem as early as this year, but this administration seems determined to just bumble along until the time when the pandemic begins, and then it will be too late. There is only one producer overseas. Other nations have lined up to buy their production. The United States of America has not. The pharmacies will run out quickly. We do not have adequate hospital surge capacity. We are vulnerable in so many ways, but the Bush administration thinks it is more important to spend money on abstinence-only education than preserving the health of the American people in the face of these deadly threats.

Hopefully they will begin to do better, and, if they cannot, perhaps the Republican leadership in Congress will allow us to move legislation that will force them to do better in the future to protect the American people.

OUTSOURCING MILITARY TO SOLDIERS OF FORTUNE

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening, I would like to talk about a

cultural change occurring in the U.S. military that is very troubling to me. For those people who have served our country and continue to serve our country in the military service, the words honor, duty, God, and country mean everything. These timeless words have motivated hundreds of thousands of our patriotic citizens to enlist and serve in the United States military over the decades, and they inspire a calling to rise above one's own self-interest for the betterment of our Nation and her highest principles: Liberty, equality and justice.

Those high principles are in stark contrast to what the World Book Dictionary defines as a soldier of fortune, ''a man serving or ready to serve as a soldier under any government for money, for adventure or for pleasure.''

I could not help but think about this and read and reread that definition as I examine how pay and benefits provided to these private military personnel engaged in the Iraqi war dwarf what we provide our all-volunteer military. Guards for private security firms on average are earning $400 to $600 a day or $144,000 to $216,000 in a single year, and they are earning it tax free. That is right. These salaries and tax-free dollars are provided so long as the men remain in-country for more than a year.

The slain guards for Blackwater were earning nearly a thousand dollars a day for an astronomical salary of $365,000 a year. Let us compare that to what we provide the men and women who have served in our military for 6 years, not even the 1 or 2 years that most personnel in Iraq are at. A military commissioned officer can expect to earn between $100 and $270 a day, for a paltry total of $36,000 to $96,000 a year. Enlisted soldiers, those who carry out the toughest assignments and are in the most danger and need the most support, earn $36,000 in a good year. That is outrageous.

General Omar Bradley, the GI general himself said, ''Leadership in the democratic Army means firmness, not harshness; understanding, not weakness; justice, not license; humaneness, not intolerance; generosity, not selfishness; pride, not egotism.''

I thought a lot about those words as I am increasingly saddened as I watch what seems to be transpiring in the Iraqi war. As each day passes, a nonsensical strategy is unraveling in Iraq that threatens to transform many of our most important ideals into crash commercialism. The utter mismanagement of the war troubles me as I witness what I perceive to be the undermining of the honor code and the diminishment of the meaning of the words ''service'' and ''duty'' that have served as hallmarks of our military tradition from its inception.

Let me be clear. For those soldiers, both enlisted personnel and officers serving under the time-tested rules of engagement, I have no quarrel. They serve bravely. Their integrity is indisputable, their will resolute. No, my apprehension lies with the architects of war. Where I am growing increasingly uncomfortable and downright concerned is with the actions of the President and his role as commander in chief, his Vice President, and their Secretary of Defense, Donald Rumsfeld. Together, they are authorizing a strategy for the outsourcing of military functions that is unparalleled in scope and size in the history of this Nation. Never before have so many private contractors, an estimated 20,000 private military personnel and 100,000 civilian contractors, been utilized in such a function to perform critical security and military needs in theater, duties that heretofore had been under the direct purview of the regular military and its established chain of command beginning with the commander in chief and his joint chiefs of staff.

Mr. Speaker, no one in Congress has any idea of the exact number of private security contractors working and operating in Iraq. Last year, in response to a detailed request levied by myself and dozens of our colleagues, the Coalition Provisional Authority compiled a list of 60 different firms employing a total of 20,000 personnel back then, including U.S. citizens, Iraqis and third country nationals. No additional information, no specifics on the contracts awarded, just a list.

And so we watch the news, and we try to figure out what is actually happening over there. According to an excellent journalistic expose' on Frontline, and I quote, ''Beforehand handing over power to the newly elected Iraqi government in January 2005, the CPA established Memorandum 17, a notice that called for all private security companies operating in Iraq to register by June 1 and established an oversight committee led by Iraq's Ministry of the Interior. According to Lawrence Peter, a former CPA official and the director of the Private Security Association of Iraq, as of June 21, 2005, 37 security contractors have registered with the Iraqi Ministry of the Interior. One is awaiting approval, and 18 additional security companies are in the process of registering.''

Mr. Speaker, what on earth is going on in Iraq? How do we distinguish between soldiers of fortune and those of our own military who are committed to honor, duty, God, and country? Why can this Congress not get straight answers from the administration on this and a bevy of other issues? Why are we relying on thousands of contractors, including some from third countries, to provide backup and support to our regular military? Why is it perfectly acceptable to outsource war, and this under a veil of secrecy? I have hundreds of questions, and Members can rest assured I will refuse to stop asking them until the American people get real and substantive answers to those responsible.

What really bothered me was when I saw that Paul Bremer at the beginning had guards around him that did not have military-issued uniforms nor U.S. Department of Defense weapons. I began to ask questions. I will continue to raise them, and I include for the RECORD some additional materials.

Honor, duty, God, country. These timeless words have motivated hundreds of thousands of patriotic citizens to enlist and serve in the United States Military over the decades. These words inspire a calling to rise above ones own self for the betterment of our nation and her highest principals—liberty, equality, justice.

General Omar Bradley (the GI General himself) said that "Leadership in the democratic army means firmness, not harshness; understanding, not weakness; justice, not license; humaneness, not intolerance; generosity, not selfishness; pride, not egotism." / General George Marshall, the architect of the Marshall Plan and one of the foremost General officers of his day is oft quoted as saying, "Morale is the state of mind. It is steadfastness and courage and hope. It is confidence and zeal and loyalty. It is élan, esprit de corps and determination." If only we were to heed the words of these two incredible men as we continue to engage in a costly and unpredictable war in Iraq.

Instead, I am increasingly saddened as I watch what seems to be transpiring in the Iraqi war. As each day passes, a nonsensical strategy is unraveling in Iraq that threatens to transform many of our most important ideals into crass commercialism. The utter mis-management of the war troubles me as I witness what I perceive to be the undermining of the honor code—and the diminishment of the meaning of words "service" and "duty" that have served as hallmarks of our military tradition from its inception.

Let me be clear. For those soldiers (both enlisted personnel and officers) serving under the time tested rules of engagement, I have no quarrel. They serve bravely. Their integrity is indisputable. Their will resolute.

No, my apprehension lies with the architects of the War. Where I am growing increasingly uncomfortable and downright concerned, is with the actions of this President in his role as Commander and Chief, his Vice President, and their Secretary of Defense, Donald Rumsfeld.

Together they are authorizing a strategy for the outsourcing of military functions that is unparalleled in scope and size. Never before have so many private contractors (an estimated 20,000 private military personnel and 100,000 civilian contractors) been utilized in such a fashion—to perform critical security and military needs in theatre. Duties that had heretofore been under the direct purview of the regular military and its established chain of command—beginning with the Commander in Chief and Joint Chiefs of Staff.

Mr. Speaker, no one in this Congress has any idea of the exact number of private security contractors working and operating in Iraq. Last year, in response to a detailed request levied by myself and dozens of colleagues, the Coalition Provisional Authority (CPA) compiled a list of 60 different firms employing a total of 20,000 personnel (including U.S. citizens, Iraqis and third-country nationals). No additional information. No specifics on the contracts that were awarded. Just a list.

My colleagues and I are forced to rely on the tabulation of news articles and press releases to keep on top of what companies are operating in theater, what duties they may or may not be performing and just how much money the United States government is paying them.

According to an excellent journalistic expose on the PBS program Frontline, ''before handing over power to the newly elected Iraqi government in January 2005, the CPA established ''Memorandum 17'' a notice that called for all private security companies operating in Iraq to register by June 1 and established an oversight committee led by Iraq's Ministry of the Interior. According to Lawrence Peter, a former CPA official and the director of the Private Security Company Association of Iraq, as of June 21, 2005, 37 security contractors have registered with the Iraqi Ministry of the Interior. One is awaiting approval, and at least 18 additional security companies are in the process of registering.''

Mr. Speaker—What on earth is going on in Iraq? Why can't this Congress get straight answers from the administration on this and a bevy of other issues? Why are we relying on thousands of contractors to provide backup and support to our regular military? Why is it perfectly acceptable to outsource war—and this under a veil of secrecy? I have hundreds of questions Mr. Speaker, and you can be assured that I refuse to stop asking them until the American people get real and substantive answers from those responsible.

Perhaps the problem is the constant replacement of theater commanders during an already tumultuous occupation. After the ground victory, the U.S. watched the architect of the rapid sprint to Baghdad—General Tommy Franks—retire early. When his photo appeared like a 12 inch high pin up on the cover of Cigar Aficionado Magazine in December of 2003, just months into the occupation, I wondered what Generals Joe Stillwell and Omar Bradley would think. In that interview, General Franks discussed the over-reliance on Reserve troops, and the types of jobs that U.S. military personnel were asked to handle. He said ''We need to get people out of those jobs, get civilians in them, and get our military into the jobs that are the highest payoff in terms of the military skills.'' I thought to myself: ''This is coming from a general who has left nearly 150,000 of his troops in theater, while at the same time feels that we are not allocating our resources in the best way possible.'' I couldn't think of a single precedent for such an action—to leave before relative calm was restored. Before the peace was won.

General Franks had it half right. We are getting civilians into thousands of jobs in Iraq with ease, but we're doing it in exactly the wrong way. We are filling critical slots with civilians who are paid far more money than regular U.S. troops, who have a much more cavalier attitude toward duty, justice and honor and who are simply wrong for the job.

My concerns grew exponentially during the first year of the occupation. It was quite a shock to see Ambassador Paul Bremmer on the front page of the New York Times guarded not by U.S. soldiers (in regular military uniform and carrying military issue weapons), but by private contractors in civilian clothing looking like something out of the NYPD undercover squad. To then learn their salaries were 5 to 10 times as high as our soldiers—who by the way still can't get adequate body or vehicle armor—riveted my attention.

Then, on March 31, 2004, four Blackwater USA guards (again, private military/security forces) were ambushed by Iraqi insurgents while on escort-duty west of Fallujah. As recounted, ''The guards were killed; a mob of Iraqis set their cars on fire and hung two of the bodies from a bridge. The families of the guards are suing Blackwater for wrongful death: They claim the company did not meet its contractual obligation to supply two SUVs with three guards per vehicle.''

Those men went into Fallujah without notifying or seeking the approval of the U.S. Marine Corps, then responsible for the security of that sector. Tragically those men lost their lives and it is a miracle that our own military servicemen—who were ordered in to recover their remains—escaped uninjured. More importantly, the regional Marine commander was forced to alter his strategy for quelling the insurgency to not only recover the remains of the men, but deal with the heightened tensions caused by the incident.

Mr. Speaker, the World Book Dictionary defines a soldier of fortune as: ''a man serving or ready to serve as a soldier under any government for money, adventure, or pleasure.''

I cannot help but read and re-read that definition as I examine how pay and benefits provided to these private military personnel dwarf what we provide our all-volunteer military.

Guards for private security firms on average, earn $400 to $600 per day—or $144,000 to $216,000 in a single year. Tax-free. That's right Mr. Speaker, these salaries are tax-free providing that these men remain in-country for more than one year. The slain guards for Blackwater were earning nearly $1000 a day for an astronomical $365,000 yearly salary.

Let's compare that to what we provide the men and women who'' have served in our military for six years (not even the one or two years that most personnel are in Iraq). A military commissioned officer can expect to earn between $100 and $270 a day—for a paltry total of $36,000 to $96,000 each year. Enlisted soldiers, those who carry out the toughest assignments, are in the most danger and need the most support might earn $36,000 in a good year. That is outrageous, Mr. Speaker.

In my hand I hold a solicitation sent to a police officer in my Congressional District in Toledo, Ohio. It is from DynCorp International LLC and promises an annual compensation of over $120,000 to perform an ''armed, plainclothes mission'' to ''help the Iraqi judicial system organize effective civilian law enforcement agencies.''

This is what we are dealing with on a daily basis Mr. Speaker. As the U.S. attempts to secure the peace in Iraq, thousands of individuals are flooding into the country to perform armed, dangerous and complex tasks, often with little to no formal or military training.

A constituent of mine reports that her husband of more than 20 years, who moved to Kuwait last year to take a very high-paying job ferrying security personnel into (and out of) Iraq, is earning a huge salary and may not return to the U.S. He has decided to divorce her for a much younger Asian woman who has moved to Kuwait. Both intend to remain in the Middle East.

Mr. Speaker, this is not honor. It is not duty. It is not God. And it certainly is not country. It is money. It is adventure. It is pleasure.

Mr. Speaker, we need to ask ourselves a fundamental question: what is a soldier and what is a mercenary? Why are we short-changing, under-supplying and selling out our own U.S. troops to pay private military companies hundreds of millions of dollars so that their professional warriors can earn exorbitant salaries?

I will be in the well of this House (every day if I must) asking these questions until they are answered in a satisfactory manner.

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Contract length is one year. This is an armed, plainclothes mission.

All lodging, meals, and transportation, logistical, technical and administrative support is provided at no cost to the officer.

REQUIREMENTS TO QUALIFY

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Unblemished background.

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Minimum age of 26.

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Annual pay package is $120,632.00.

Resumes should detail specific experience, certifications, specialties, ranks, and assignments.

Apply today!

[From FOXNews.com, July 6, 2005]

HOW DO YOU LIKE YOUR CONTRACTOR MONEY?

(By Liza Porteus)

NEW YORK.—For three days, a group of 16 American contractors in Iraq feared they had stumbled into a different world—one where the U.S. military viewed them, and not Islamic extremists, as the enemy.

The ordeal began May 28 when a group of Marines suspected the contractors for Zapata Engineering (search) of shooting at them and Iraqi civilians in Fallujah. The Marines allegedly bound and roughed up the contractors, who were given orange jumpsuits to wear. They also received a prayer rug and a copy of the Koran (search) and were placed in a cell next to Iraqi insurgent suspects.

The contractors, eight of whom are former military men, wondered how the Marines supposedly could throw the idea of ''Semper Fi'' out the window and treat fellow Americans so poorly.

''If we were terrorists, they would have extradited us so they could have charged us . . . once they cleared us, they should have let us go,'' Pete Ginter, one of the Zapata contractors, told FOXNews.com in a recent interview. ''I think it's some personal vendetta they had against us.''

Several of the contractors told FOXNews.com the gripe appeared to be financial, stemming from jealousy over the belief that contractors make more money.

''How do you like your contractor money now?'' one Marine barked, according to those contractors interviewed.

On June 9, a statement from a Marine spokesman said that while detained ''in accordance with standard operation procedures, the Americans were segregated from the rest of the detainee population and, like all security detainees, were treated humanely and respectfully.''

The statement said the investigation will look into ''all aspects of the incident, as well as the accusations made by the contractors.''

Manuel Zapata, president of Zapata Engineering, released a statement soon after the incident saying he was ''disturbed'' by the allegations but acknowledged the root cause likely was a ''misunderstanding by people who are living and working in an intense and stressful situation.''

He added: ''At the same time, we are also disturbed over reported accounts by our personnel of their treatment while in Marine detention.''

'BLUE-ON-WHITE' ANTAGONISM

The Zapata crew was part of a community of about 120,000 private foreign contractors in Iraq, many working side by side with U.S. military personnel to rebuild a country virtually destroyed by 30 years of neglect and war.

These contractors say they wholeheartedly stand behind President Bush and the U.S. military in the mission to put Iraq on the road toward democracy. But they say a few bad apples aren't helping in those efforts.

''It seems there's a lot more American-on-American [conflict] right now—we call it 'blue on white'—but then again there's a lot of military people who are our closest friends . . . so it's a catch-22,'' said Robert Shaver, another detained Zapata contractor.

Among the contractors are about 20,000 who work for private security companies, some of whom have come under criticism for bad behavior. Witnesses have been quoted telling stories about caravans of intimidating contractors driving fast through Iraqi streets in their SUVs with guns hanging out the window.

Marine Col. John Toolan, who was the military commander of the area that included Fallujah when four private security contractors employed by Blackwater (search) were ambushed and murdered last year, told PBS' ''Frontline'' that the part of the problem is that the military and contractors have different motivations in a dangerous environment.

''We have a tendency to want to be a little bit more sure about operating in an environment,'' he said. ''Whereas I think some of the contractors are motivated by the financial remuneration and the fact that they probably want to get someplace from point A to point B quickly, their tendency [is] to have a little more risk. So yes, we're at odds. But we can work it out.''

Contractors who were once in the armed forces themselves, like Zapata's Ginter and Matt Raiche, say they went over to Iraq as private citizens to help pay the bills back home.

''I didn't want a dead-end job, I didn't want to live paycheck to paycheck'' and live off loans, Ginter told FOXNews.com about why he became a contractor.

A CASE OF THEY SAID, THEY SAID

The Zapata contractors were detained in Fallujah (search) after the Marines said the contractors sprayed gunfire at them and a group of Iraqi civilians from an armored convoy twice earlier that day. The crew was in Iraq destroying enemy ammunition and explosives.

The contractors say they have proof that they weren't near the position where the Marines claim they were shot at earlier in the day and were actually dropping off ordnances at Camp Victory at the time. Several told FOXNews.com in interviews that sign-in logs can corroborate their story and they said they have receipts from a restaurant and other places they stopped at during the time in question. Plus, the contractors say the Marines' description of the convoy doesn't match the vehicles they were driving.

Ginter and Raiche say the problems began with a flat tire. Their group was changing a tire that blew out after their driver didn't make a turn wide enough to avoid a spike strip when a group of Marines came out and said they wanted to go back to their compound and talk.

The Marines said two rounds of ammunition had hit near where they were stationed. When the Zapata crew asked to see exactly where the rounds hit, they said they couldn't get a straight answer.

The contractors said they fired warning shots into the ground—standard procedure—to prevent a suspicious vehicle from approaching their convoy but that they never aimed at Marines or civilians.

The Marines eventually brought the Zapata contractors to a compound where they were put in 6-by-6 foot concrete cells. When they asked for an attorney, they were told to ''shut up,'' the contractors claim. They were detained there for three days.

''I know for a fact with our situation, the first 36 hours we were detained, there was a lot of tension in the air and a lot of animosity toward us contractors for the money we make,'' Shaver, who is now back in the United States and living in upstate New York, told FOXNews.com.

Ginter claims that on his way back from being escorted from the bathroom, one of the Marines ''physically forces me on the ground, banged my knees on the ground . . . he kicked my ankle into the cross position,'' and took off his cross necklace. He also claims the Marine squeezed his testicles ''so hard I almost puked'' and threatened to unleash a dog on him if he moved.

''Seriously, I thought someone had died, I thought some way they had connected a death to us and I thought . . . maybe it was a joke, maybe it was training and we didn't know about it,'' Ginter added.

Raiche said he had his wedding ring and jewelry removed and was also threatened with the dog. He also said he heard one Marine heckle, ''how does it feel to make that contractors' money now?'' A female Marine was taking pictures of the proceedings, they said. The contractors had blacked-out goggles placed over their heads when they were put on a bus from the original detention site to another one near Fallujah, where Iraqi insurgent suspects are also kept. Ginter said there was a small slit in the goggles that he could see out of.

''I watched as my fellow brothers were thrown to the ground, physically abused . . . knees, necks, tossed to the ground with the female taking pictures,'' Ginter said. ''It was like going into the Twilight Zone.''

Ginter and Raiche said only five or six members of their group were interviewed when investigators from agencies like the FBI showed up. They said they asked for a lawyer, to make a phone call, to contact the Red Cross, Amnesty International and others but were denied such requests. They claim about four Marines, however, were in ''total awe—they could not believe what was happening,'' Ginter said.

INVESTIGATING THE INVESTIGATIONS

Neither Ginter nor Raiche have been questioned by military investigators since they returned from Iraq. Mark Schopper, the Nevada-based lawyer for some of the contractors in question, said he doesn't believe anyone in the group has been. The Justice Department also reportedly is looking into the incident.

Gail Rosenberg, a public relations consultant for Zapata, told FOXNews.com on Thursday that the internal investigation from Zapata Engineering is still ongoing. Rosenberg added that ''there has been no direct contact'' between Zapata and the government on the investigation since the original Zapata statement was released after the incident.

The military has had little to say about the incident since it first happened. Lt. Col. David Lapan, a Marine spokesman, issued a statement saying the Naval Criminal Investigative Service would handle the investigation.

Lapan suggested that the Marines were following procedure in how they handled the contractors. And while Lapan said all charges would be investigated, he added ''thus far we have seen nothing to substantiate the claims.''

When contacted by FOX News for an update on the investigation last week, Lapan said in an e-mail exchange: ''No new developments on the military side. The investigation continues.''

So far, even though some of the Zapata contractors say they haven't been contacted by the NCIS, investigators have spoken to personnel with the U.S. Army Corp of Engineers.

''As far we know, it's still ongoing, we don't have anything new'' on the investigation, said Kim Gillespie, a spokeswoman for the U.S. Army Engineering and Support Center in Huntsville, Ala., which specializes in ordnance and explosives and administered the Zapata contract. ''They didn't give us any indication as to when they're going to wrap this up . . . I will assume we will be made aware when this investigation is complete.''

Coincidentally, Gillespie said Zapata's contract for the explosives work it was doing in Iraq expired Thursday; that contract date was predetermined a year ago, however, and has nothing to do with the alleged incident involving the Marines.

GETTING ON WITH LIFE

After the Fallujah incident, the military gave each of the 16 contractors a letter barring them from further operations in Al Anbar province in western Iraq.

''The contractors clearly, without doubt, experienced physical and psychological abuse and have suffered serious monetary damages,'' Schopper said. ''They lost their jobs, some of them their careers. . . . There are serious, serious civil rights violations.''

Schopper said that since he went public with information regarding credit card receipts and time logs that show his clients weren't in the area of the first shootings at the time in question, the Marines have changed their story as to who they think shot at them.

He has not yet filed any formal complaints with the military because, ''until we get a better feel of what's going on, it doesn't behoove us to show any of our cards.''

''We're hoping in fact that this is cleared up without any legal action and hopefully the investigation, if they are in fact doing one, is in fact legitimate and will clear our guys,'' Schopper added.

Until then, several of the contractors said their lives have been at a virtual standstill.

''There's not much we can do'' so far as work is concerned, Ginter said, noting that many government jobs he's qualified for involve high-level security clearances, which involve background checks. ''Right now, with this blot on my background, it ruins everything, even if I was to work for the post

office . . . unless I want to work at McDonald's in a job.''

Raiche, a former firefighter before heading to Iraq, said he couldn't even get that job back, nor a job in law enforcement, until his name is cleared.

''I have guys in the military right now who were personal friends of mine,'' Ginter said. ''I have no resentment toward the military. I want this off my record.''

URGING LOBBYING REFORM

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, today in the Washington Post, we found out that a key adviser to President Bush on the Intelligence Advisory Committee has been instrumental in helping China and the Chinese oil company put together their bid to purchase Unocal.

The other day, the Center For Public Integrity disclosed that big drug companies spent $800 million in the last 7 years to influence the Congress, the Senate, and the legislation and the policies we have here; and then just last year we passed a pharmaceutical prescription drug bill that ended up producing or will produce $132 billion in additional profit for the pharmaceutical industry.

The tobacco industry donated over the last few years $40 million to the Republican Party, and then they get a sweetheart deal by the Department of Justice for just pennies on the dollar when it came to settling a lawsuit. They settled for 8 percent of what they had originally gone in for, $10 million versus $130 million. USA Today points out that corporate donors have given more than $120 million to Republicans during the last election, and now they are receiving their reward. For some businesses, invest a little now and get a larger return later. That has been the motto.

Just take energy prices. Big oil and big energy companies has been a major contributor to the majority party, the Republican Party. Oil is at $60 a barrel, approximately, and yet we talk about giving a $8 billion taxpayer give-away so big oil can do what? Drill for oil. I thought that was their business plan. So what we are asking the American taxpayer to do is pay once at the pump and again on April 15. Why? Because big oil is a more influential player here in Washington.

Special interests have attached themselves to Congress, and this parasitic relationship is having a corrosive effect on our Nation of and for the people. When the Speaker's gavel comes down, it is intended to open the People's House, not the auction house. And lately when we look at the tobacco industry, the energy industry, the pharmaceutical industry, those who lobby on behalf of major interests like Chinese oil companies, we can see something that is happening as it relates to the People's House.

The relationship between lobbyists and lawmakers has become far too cozy and close. Professional lobbyists and the lobbyist profession have become a back office for Congress, serving as travel agents, employment agencies, and authors of legislation. In fact, in the past 6 years, lobbying expenditures have more than doubled to $3 billion annually. Yet while the number of professional lobbyists and their fees have increased, only one in five lobbyists actually register as required. Of the 250 top lobbying firms, 210 failed to file one or more of the necessary documents.

The special interests have benefited from the weak reporting, nonexistent oversight and toothless penalties while the credibility of the United States Congress suffers. We have had a debate about campaign finance reform here in this Congress, a debate that ultimately put some distance between donors and candidates. Now we need a similar debate as it relates to lobbyists and Members of Congress.

□ 1945

We tell, in this institution, corporate America how to clean up their act. We tell professional sports teams how to clean up their act. Yet when it comes to our business, how we clean up our house, we are not very good at that. We think business as usual is just fine.

It is time we updated our laws to reflect the explosive growth and increasing influence of the professional lobbyist community. It has been 10 years since we have done anything. The gentleman from Massachusetts (Mr. MEEHAN) and I have introduced the Lobbying and Ethics Reform Act. Our bill creates a code of official conduct for Congress. In the coming days, we will have a Senate bill, itself, introduced by a colleague of ours. This code of conduct would close the revolving door by requiring former Members and staff to wait a minimum of 2 years after they leave Congress before becoming lobbyists to work back here influencing legislation and trading on their knowledge. The bill would end the practice of lobbyists serving as congressional travel agents by arranging lavish junkets for Members of Congress. We also require lobbyists to disclose their past connections, previous Hill employment and financial activities on a public database.

The Meehan-Emanuel bill increases the penalties for failing to comply with the Lobbying Disclosure Act. It also creates a bipartisan House task force to recommend ways to reinvigorate ethics oversight and enforcement. And it would require the Government Accountability Office to report twice a year on the state of oversight and enforcement.

Mr. Speaker, the gavel should mark the opening of the People's House, not the auction house, and that is what the American people now see this Congress doing. Unless we reform the relationship between the lobbying community and Members of Congress, we cannot restore the public's faith in the People's House. We are suffering from a systematic problem requiring an institutional solution. We need more sunlight, more transparency, better oversight and stiffer penalties. The Meehan-Emanuel bill provides that transparency. And let me add that this is not a partisan issue. I hope that Members of both parties will join us in working together to pass these important reforms.

Mr. Speaker, we have a duty to ensure that the voices of the American people are not drowned out by the professional lobbyists working the halls of Congress. Only through lobbying reform can we return the People's House to the American people.

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes.

(Mr. MEEHAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN MEMORY OF CONGRESSMAN JAKE PICKLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, I did not just like Jake Pickle; I loved Jake Pickle. Congressman Pickle was one of the finest public servants to have ever served in this House, and he was a true Texas treasure. He was a kind, decent, caring human being who spent his entire life making life better for others. Whether it was helping a veteran receive health care, bringing research dollars, and he brought many of them, to his beloved University of Texas or saving the Social Security system in 1983, Jake was always dedicated to helping others.

Jake Pickle's faith was shown time and time again as he lived the commandment to love thy neighbor. Jake Pickle lived every day with another biblical verse, ''This is the day the Lord hath made. Let us rejoice and be glad in it.'' Jake lived every day joyfully. He lit up a room when he walked into it because of his joyful, positive approach to life. His positive approach has enlightened the lives of all of us blessed to have known him.

Jake Pickle exemplified courage when he voted as a freshman Congressman from Texas to pass the Civil Rights Act which brought to reality the promise of equal opportunity to millions of African-Americans. He did it because it was the right thing to do, even though it could have ended his political career.

I want to tell one story about my friend Jake Pickle. In June of 1994, he and I were part of a U.S. congressional delegation at the 50th anniversary of D-Day. After the ceremony on June 4 of 1994, our bus was about to leave to go back to a hotel an hour to 2 hours away. I noticed Jake getting off the bus by himself. I stopped, walked up to him and said, Jake, what are you doing? And he said, Why don't you come with me, Chet?

So I followed Jake Pickle off that bus. We walked several hundred yards. We went to Point du Hoc, that monument to American GI courage on D-Day when Colonel Earl Rudder led Rudder's Army Rangers up that stiff cliff against murderous fire by the Germans above them. It turned out that Jake Pickle and Earl Rudder, then the land commissioner of Texas, roomed together after the death of Jake's first wife when then General Rudder was serving as land commissioner in Austin, Texas.

So that June day in 1994, Jake Pickle got off the bus, not knowing how he would get back to his hotel in France, to go pay his respects to his personal friend and fellow Texan and American, Earl Rudder, the hero along with America's Rangers at Point du Hoc. That was the character of Jake Pickle. Our Nation will miss Jake Pickle, but the world is a better place today because of his life of dedicated public service.

Mr. Speaker, Winston Churchill once said that we make a living by what we get, we make a life by what we give. By that high standard, Jake Pickle led a rich life, a life that enriched every one of us blessed to have known him.

Goodbye, my friend, until we meet another day. Thank you for the memories. Thank you for your friendship. Thank you for making America and the world a better place.

GENERAL LEAVE

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today of J.J. ''Jake'' Pickle's death.

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

There was no objection.

SMALL BUSINESS AND HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, what an honor it is to come before my colleagues tonight to talk about some of the most important aspects of all of our lives, and that is our jobs and our health and how they are tied together.

I think it is helpful to begin this by answering the question, how did we get to this point? Why do most Americans receive their health insurance from their employer? Did you ever think about that? Whether it is good or bad. You think about other kinds of insurance. Car insurance does not come from your employer necessarily. Certainly, health insurance does, and that is so incredibly important. Your home insurance does not come from your employer. Why health? Like most things, it has a long and a curious and sometimes a colorful history.

By way of introduction, and I will be brief, but I think it is important to review kind of how we got to where we are right now. Actually it begins during World War II when employers were short on employees, and they were attempting to attract employees, and so they offered a health benefit to try to encourage some folks to come and work at their place of business. The government at that time had to decide whether it was going to treat that health benefit as a taxable benefit or whether it was going to be a nontaxable benefit. Were they going to tax the employee for getting that benefit or not? What the government at that time elected to do is to treat it as a nontaxable benefit. And so began this incentive that we now have and have lived with for the past 60 years or so for employer-based health care.

During the 1950s, there was a period of significant collective bargaining in our Nation, and many individuals got their health insurance with what is called first dollar coverage, meaning that every single dollar of their health care was paid for by somebody else. In the 1960s, the government got involved with Medicare and Medicaid and instituted Medicare as a program that was a cost-plus program, meaning that those individuals that were providing the care were paid for the cost for providing it plus some. And so what you had over a period of the next 10 or 12 years or so was a significant increase in the cost of health care. Businesses said, Hey, wait a minute, what's going on here? We've got to have some help. And so instead of looking at that situation then and moving toward a system that allowed individuals greater choice and greater opportunity for their selection in health care, what happened was an increasing regulation of both the insurance industry and the beginning of HMOs and the managed care as we know it. All of this began basically with the tax favorability for employers to purchase health insurance. And so that system flourished.

Now, tying health care to jobs has had many unintended consequences and many that have adversely affected those who can get insurance. As a legislature, as a Congress, as leaders and decisionmakers, we need to make it easier for businesses to provide health insurance. One person who knows firsthand about that and about how to make that happen is the gentlewoman from Tennessee (Mrs. BLACKBURN). The gentlewoman from Tennessee is a small business owner herself and represents a district that is heavily dependent on small businesses and the jobs that they generate. She understands this issue as few do and has been a great leader in our Congress in an effort to pass both the health savings accounts and associated health plans. I am proud to yield to my colleague as she discusses the issue of small business and health care for a few moments.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia for his leadership on this issue. He certainly brings a wonderful perspective to our body as he leads in the discussion of small businesses and health. I think most people know that small town physicians, that is a small business, and working with small business employers, he understands so readily how employers truly desire to provide great benefits for their employees. Mr. Speaker, I think most small business employers feel like their employees are family. They want to be certain that they have got the best of everything, the best of opportunity, the best of health care, the best work environment, because they treasure having those individuals work with them. Most small business owners understand, too, that it is important that employees be happy and content in their work environment, that they stay with you, because one of the greatest expenses is having to train a new employee, having to help them learn the ropes, learn the skills, come up to speed to fill that role. They also know that good health care is important because of time lost from work. That is very expensive. That means an employer, if he has an employee who is sick, who has not had access to good preventative health care, then what happens? He has to go hire a temporary employee to fill that job. So small business employers understand the importance of creating a good comprehensive work environment and the importance of appropriate health care and health coverage for employees.

I cannot go any further talking about a small business without first having a couple of things to say about this economic engine and what a lot of these small business employers are able to do. We are averaging 146,000 new jobs a month. Unemployment is at near historic lows. We are just above 5 percent on unemployment. What that tells us is that the small business sector is working, that with new ideas and new innovations and lower taxes and with the focus on lessening regulation like we have done this very week, this very day right here in this House as we have looked at OSHA regulations and found ways, we passed four bills, finding a way to help make OSHA and the rules and the regulations less burdensome to small businesses. So it is wonderful that during this small business week, we have our legislative attention focused on what we do, not to create jobs, what we do not to strap down business, but what we do to create the type environment in this Nation that small business and free enterprise can do what they do best, that is, create jobs, be the economic engine for this great Nation.

I commend our leadership here in the House for continuing to work on these issues and put this focus on small businesses, whether it is through an energy bill or through the death tax repeal or class action fairness or bankruptcy or jobs training improvement. All of that affects small business, much the same way as health care affects small business and its employees.

There are just a couple of other quick points that I would like to add. Looking at health care and the viability of health care for small business is not new. This is not something that is on the plate for the first time in the 109th Congress. This is an issue that our leadership has been focused on for many years.

□ 2000

One provision that was on the table for quite a while and finally was passed in the 108th Congress is health savings accounts; and for small businesses that are seeking to find an affordable way to continue or to give health choices for their employees, the health savings accounts are a wonderful alternative.

And, Mr. Speaker, one of the things that has come to mind that we have seen with the past year, with the advent of health savings accounts, more than 1 million Americans have chosen this as an option because it is a way for them to save, to set aside, and a way for them to begin looking to expanding their health care dollar, being certain that they have that health care dollar where they are getting basically the most bang for their buck. And I certainly think that it is to our credit that this option was made available to the American people last year, and I commend our leadership for that.

Another bill that this House has passed, and we certainly are looking forward to the same type of success with, is association health plans. These are basically small business health plans that we talk about in my district, because it will allow businesses to group together in their associations, of different types, whether they are small business manufacturers or maybe marketing companies or some of the high-tech companies, but group together and pool their buying power so that they can have group policies for their employees and will be able to do it more affordably.

So association health plans will be another great addition, putting a little bit more of that private sector expertise back in there to get the cost of health care down so that it is more affordable for our small business employers.

I want to thank the gentleman from Georgia again for allowing me to come in and participate as we talk about small businesses, keeping them healthy, keeping them vibrant, and also having health care affordable and available for their employees. I thank him for the leadership.

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I thank the gentlewoman so much for her comments. I appreciate her leadership in this issue and so many other issues in our Congress, and I thank her for her perspective as a small business owner and somebody who has been a real advocate for increasing choices for patients and opportunities to purchase health insurance.

I mentioned briefly before the tax treatment of health insurance and why we seem to be in a situation now where there is this remarkable incentive for employers to purchase health insurance, and that again is because of the tax treatment. And nobody understands that better than the next individual whom I have asked to join me today. Because of this tax incentive, solutions to our current situation must address the taxes and how they affect decisions about the purchase of health care.

And one person who understands this as well as anybody and is a good friend and legislator is the gentleman from Iowa (Mr. KING). The gentleman from Iowa (Mr. KING) is working to fight burdensome government regulation and red tape. He truly understands the challenges of starting and operating a business first hand as a successful agribusinessman. He brings 28 years of business know-how with him to Congress, and he has introduced a very exciting piece of legislation that talks about the tax treatment of the purchase of health insurance.

I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) for yielding to me. I appreciate the opportunity to speak here tonight, and I appreciate his organizing this Special Order so that we can further take a look into some of the things that we can do to improve the health care circumstances within this country.

Mr. Speaker, health care costs are escalating. And there are few options for small business owners to choose from when selecting insurance coverage for their employees. In order to keep and attract talented workers, sourcing affordable, quality health insurance is a top concern. As an owner/operator of a small construction business for over 28 years, I am well aware that the largest challenges here are access and cost.

But even though small business is the backbone of our American economy, over 60 percent of the estimated 43 million people without health care are small business owners, both employers and their dependents. Additionally, small businesses, which create two out of every three jobs in this country, continue to struggle with the high cost of offering health insurance to their employees. The structure of the current health care industry does not allow many small business owners and their employees access to affordable health insurance. As a result, uninsured figures continue to rise as the cost of insurance continues to skyrocket, pricing many small businesses out of the marketplace.

Many factors contribute to the overall cost of health care. Lack of competition in the small group market, litigation, and mandates are just some of the many culprits driving up costs. The problems facing small business owners, their employees and families must be addressed as part of the overall health care debate.

I support health savings accounts, HSAs, recently enacted under the Medicare Modernization Act, coupled with hide-deductible health care plans. They are a way for small businesses and individuals to lower their health care premiums. Along with HSAs, individuals should be allowed to deduct 100 percent of their high-deductible health plan premiums if they are not subsidized by an employer plan already. High-deductible health care premiums are defined as a minimum of $1,000 and up to $5,100 deductible for individuals and a minimum of $2,000 and up to $10,200 deductible for families. I have introduced a bill titled the Health Insurance Affordability Act, H.R. 37, which would allow for this type of deductibility for health insurance premiums.

Currently, large businesses are allowed to deduct employee health insurance premium payments, as are small businesses, for their employees as a business expense. Unfortunately, employees of small businesses that cannot afford to provide health insurance coverage are not able to deduct the cost of health insurance. This group of people includes waitresses in diners, workers in dry cleaners shops, temporary workers; and that is just a few. With the rising cost of health care coverage, many of the Nation's small employers are dropping coverage, which increases the number of uninsured Americans.

In the 2004 State of the Union Address, President Bush proposed that individuals who buy catastrophic health care coverage as part of our new health savings accounts be allowed to deduct 100 percent of their premiums from their taxes, President Bush's fiscal year 2006 budget request stating the following: ''Above-the-Line Deduction for Certain Health Insurance Premiums, under this proposal all individuals who purchase a high-deductible health plan in conjunction with a health savings account would be allowed to deduct the amount of the health plan's premium from their taxable income even if they do not itemize their deductions.'' That is the President's proposal. It mirrors my proposal on H.R. 37, the Health Insurance Affordability Act, which I drafted and dropped last year as well as this year. This new deduction would make high-deductible health plans more affordable.

We should follow the President's lead and continue to promote personal health care ownership and control of health care policies. H.R. 37 provides an above-the-line tax deduction of the health insurance premiums for those who buy their own HSA plan. Several HSA providers report that a high number of previously uninsured individuals are buying HSAs in the individual market. By allowing consumers to deduct the premiums, we are building on the benefits of HSAs and will make health insurance affordable for America's uninsured population.

Health savings accounts will also help reduce the number of uninsured Americans by allowing small businesses more choice in the current small group market. Additionally, individuals who have catastrophic health care coverage with a health savings account should be allowed to deduct 100 percent of their premiums from their taxes. HSAs, along with 100 percent deductibility, will provide small businesses with more accessible, affordable options in the health insurance market.

A government-run health care system is not the solution to the health care problems facing small businesses. A government-run health care system or mandates and minimum benefit packages forced upon small employers will deter or even destroy entrepreneurship and the growth of small businesses.

Mr. Speaker, the small businesses in this country lead in new jobs. They lead in employment. They are at a disadvantage today because the structure of health insurance premiums is wrong, and it is wrong because it lacks full deductibility for the people who utilize it. And this goes back in history to World War II when we had wage and price controls and when that order came out, employers were looking for a way to compete in a shrinking labor market because much of the labor put on a uniform and went overseas to fight World War II.

So in keeping with the freezing of wages and prices, instead they gave health care benefits to their employees; and it was not really circumventing a raise, but it was keeping with the freeze, but it was benefits to compete for that shrinking labor supply that was there.

That tradition now has been in place over 60 years, and in this 60-plus years, we have watched it get more and more distorted every year. So if a large corporation or a government employer can offer a health insurance benefit that is fully deductible and especially to large corporations and there sits a ma-and-pa operation, a family farm, a gas station, a convenience store, a company that is hiring part-time labor, these people that are disadvantaged from the current structure, when they are disallowed from full deduction of their health insurance premiums, should be allowed that deduction. That is what the Health Insurance Affordability Act does, H.R. 37. It is one piece of the whole puzzle that we need to do.

The gentleman from Georgia (Mr. PRICE) is bringing forth a more comprehensive discussion here tonight. I have targeted on H.R. 37 because I think it is the one thing that we can do to bring deductibility to the employees who are not able to deduct their health insurance premiums. But I believe that if a Fortune 500 company can deduct a full coverage insurance plan and every dime that they put into that full coverage insurance plan is an above-the-line deduction, a Schedule C deduction, on their income tax, then that also should be available for every citizen whatsoever in the United States of America.

H.R. 37 takes us down that path. It gets us closer. It does not get us all the way. We will not get this done overnight. It has been over 60 years to get in the condition that we are in.

I thank the gentleman from Georgia for organizing this Special Order tonight and for bringing his professionalism in the health care industry and his experience as a doctor that actually sees how this works in the lives and minds of patients to the floor here tonight and to everything he does here in this Congress. I thank the gentleman from Georgia (Mr. PRICE) and appreciate his yielding to me.

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I thank the gentleman from Iowa (Mr. KING) so very much for his comments.

When I first started looking into this issue of health insurance and why it seemed that employers had this remarkable incentive and I looked back and looked back and tried to figure out where it began and I got to the discussion about World War II and I talked to some of my friends about it and they would say it could not have started back then, I appreciate his perspective on it and his knowledge and expertise in appreciating that the tax treatment of the purchase of health insurance is so important, so incredibly important, as we try to solve the challenges of the increased cost of health insurance and health care. I thank him so much for joining me tonight. He was very kind to participate and bring focus to those issues.

I touched a little earlier on that association between jobs and health care and how jobs are so important to health care because of the tax treatment. And so it is important that we talk about jobs and small businesses; and this Congress has worked incredibly hard, incredibly hard, to create jobs, especially in the area of small business; and it is important. We keep talking about small business because that is the engine, that is the engine that drives our economy.

Ninety-nine percent of all businesses in this Nation are small businesses, and 75 percent of all new jobs that have been created have been jobs that are added in the area of small business. And this Congress has been incredibly diligent in making certain that we have the right incentives to create jobs. And they have been mentioned earlier, but I would like to touch on a couple of them.

The Energy Policy Act that we passed will create nearly ½ million new jobs in the manufacturing and construction and agriculture and technology sectors, ½ million jobs. The Death Tax Repeal Permanency Act, that is not only an unfair tax, but it is also taking money out of the pockets of individuals, especially small business individuals, that they could use to instead grow their businesses. The Class Action Fairness Act that we passed, some legal reform. It is estimated that $88 billion a year, $88 billion a year, is spent on lawsuits; and if that money is not needed on inappropriate lawsuits, then where can that money go? To small business and to jobs, create jobs, hire more workers. So this was an important bill that was passed and signed into law by the President.

The highway bill, the Transportation Reauthorization bill, not only will it increase the quality of our transportation infrastructure across this Nation, but it is estimated that for every $1 billion that is spent to improve our highways, 40,000 jobs are created, 40,000 jobs: $1 billion, 40,000 jobs.

□ 2015

Do we know what that means for a bill that has a price tag of about $280 billion? That is 15 million jobs. You talk about a Congress that is serious about putting people to work, this is that Congress. And the Job Training Improvement Act that we passed breaks down the barriers for millions, millions of job-seekers.

So this Congress has actively worked to expand small business which, again, is the engine, the engine of our economy, and it is working. We see the results already. Mr. Speaker, 146,000 jobs were created in the month of June with the unemployment rate dropping to 5 percent, the lowest unemployment rate since September of 2001. Steady growth

has taken place each of the last 25 months with more Americans working than ever before.

This chart shows the declining unemployment rate and the number of jobs that have been created, and we see each month for the past, on this chart, 13 months, but it has been 25 months in a row, each month we have created jobs in this Nation, across the Nation. The economic indicators show strong and sustained growth with real gross domestic product and real income revised up for the first quarter, and inflation down. Listen to this: profits as a share of gross domestic product are up to their highest level since 1967, profits up to their highest levels since 1967. What does that do? It allows businesses to reinvest and create more jobs.

Mr. Speaker, durable goods orders are on the rise with new orders for durable goods increased by 5.5 percent in May. That is the largest increase in 14 months. U.S. manufacturing continues to expand. Again, for the 25th consecutive month, manufacturing expanded again in June. And we see it in the private sector as well, with consumer confidence rising nearly 3 points in June to its highest level in 3 years.

Mr. Speaker, I am telling my colleagues, the improving economy that we have talked about and the jobs that have been created, it is not empty rhetoric, it is not just words. The policies of this Congress and this administration, they are pro-growth, and they are leading the charge, and they are indeed succeeding in the challenges that we have before us in creating jobs.

But when I go home, when I talk to folks at home who are small business owners, who create the jobs in this Nation, and when I talk to them and I ask them, what is the biggest challenge that you have? I do not care what kind of small business it is, whether it is a restaurant owner or gas station folks or a small business owner or lawn care people, real estate, shoe repair, I do not care what it is, their biggest challenge, they will tell you that their biggest challenge is the health care, providing health care for their employees, and many, many simply stop. They are unable to provide health care any longer for their employees, whether it is that extra dollar that the health insurance costs or whether it is the undue burden of the regulation that pushes them over the top. And they say, as much as I would like to, I am just unable to do so from a financial standpoint.

So it is imperative; remember, most employees, most people get their health insurance through their employer, again, because of the things we were talking about before, but it is imperative that we work on those constraints that make it so that it is difficult for employers to purchase that health insurance.

The unemployment rate is coming down with all of the work that we have done, now down to, as the gentlewoman from Tennessee (Mrs. BLACKBURN) mentioned, 5 percent, a remarkable, remarkable improvement in our economy.

I want to talk about small business and health care facts. I want to talk about the problem as it relates to the rising cost of health care and how it affects jobs and the provision of that health care. As health care premiums continue to increase or as they increase, employers are forced to pass that expense on to their workers in the form of higher copayments or deductibles, and oftentimes, they have to reduce coverage. They are not able to provide the same kind of coverage that they have in the past. It is not because they want to; it is because they are being constrained from a financial standpoint. Employers this year will pay an estimated 12 percent more for employee health care than benefits in 2003, 12 percent more, marking the fifth consecutive year of double-digit increases and a doubling of employer health care costs since 1999.

This graph is so incredibly poignant, and it just shows the continuing increase of the cost of health care. The cost for employers is the lower bar. The middle bar is the cost for employees. And then the upper bar is the out-of-pocket costs for employees, and we see those continue to rise over the years. Decreasing these costs to American businesses is imperative, because what it will allow them to do is to spend more money on expanding their operations and hiring workers, more jobs.

It has been shown that each percentage point increase, this is a phenomenal statistic, each percentage point increase in health insurance costs increases the number of uninsured by 300,000 people. Think about that. Each single percent of increase in health insurance costs increases the number of uninsured by 300,000 people. This is an issue that is imperative, imperative for us to tackle as a Congress.

Then we have heard about the need for legal reform, what kind of challenges we have in the area of liability insurance that physicians and hospitals and others have. Those premiums for medical liability insurance have increased 500 percent, 500 percent since 1976, and what that has done is driven many doctors out of the profession, many of them closing their practices or decreasing the high-risk procedures that they do. I had one fellow physician tell me that they had to stop one of their high-risk procedures, and I said, what was that? And they said, delivering babies. An obstetrician, they could no longer deliver babies because that is defined as a high-risk procedure. In fact, in our State, over a third of the obstetricians have stopped delivering babies because it is a high-risk procedure because of the cost of liability insurance. The average jury award in a medical malpractice case is now up to $3.5 million, up more than 70 percent since 1995. This cost of insuring doctors against oftentimes petty and frivolous lawsuits is reducing the quality and access of Americans to top-rate health care.

Now, there are a number of solutions that have been put on the table, and I want to talk about three of them in kind of a larger principled way. The first is about pooling resources. The second is about the tax treatment that we have talked about, and the third is about liability reform.

Associated health plans, which the gentlewoman from Tennessee (Mrs. BLACKBURN) mentioned, are incredibly important, and they work because what they allow people to do is to pool larger numbers to purchase health insurance. Remember that 60 percent, 60 percent of the 44 million uninsured Americans are employed by small businesses or are dependents of someone who is employed by a small business. Some people estimate that that number is as high as 85 percent, meaning that 85 percent of the folks that are either employed or live in the home of somebody who is employed by a small business do not have health insurance, of the 44 million who are uninsured. Phenomenal when you think about it.

What do associated health plans allow you to do? They allow you to buy in bulk. They allow one small business, a group of employees, say three or five folks to join with three or five folks from some other businesses to pool with eight or ten somewhere else, and before you know it, you have hundreds and thousands and sometimes millions of individuals who then use that purchasing power to purchase health insurance. It allows them to get health insurance at the cost that some of the larger employers do. Associated health plans would be required to offer fully-insured or self-insured benefits that are certified by the United States Department of Labor. There has been some discussion about whether or not people could provide cut-rate health insurance. Well, that is not the case. It encourages broad participation in coverage by prohibiting discrimination of any kind against certain high-risk individuals. Again, if you pool numbers of folks together, if you allow them to join together and use their power to purchase insurance, then they will be able to do so in a very competitive way. It increases the bargaining power.

So the first area is allowing folks to get together as groups, large groups, thousands, hundreds of thousands, millions of people to have the benefit of purchasing insurance.

The second issue I want to bring to the fore that would allow for a real solution has to do with the tax treatment and flexible spending accounts. Now, the gentleman from Iowa (Mr. KING) talked about his idea for health savings accounts and the equal tax treatment for individuals to purchase health savings accounts. Great idea. Works splendidly to move some of those incentives so that people who are employed by a small business or are self-employed or are unable to get their insurance in another way will have an incentive to

purchase health insurance. And what flexible spending accounts do is that they allow workers to direct their employers to deduct money from their paychecks to be placed in this flexible spending account, tax-free—tax-free. That is the key. That is the incentive: to pay for health care expenses that they may incur during the course of the year. It is a tax benefit to employees. Workers could save on their taxes for the purchase of health insurance.

It also provides for long-term coverage advantages, because 37 million employees right now in America have access to these accounts, but few of them take advantage of it because there is a use-it-or-lose-it rule. Now, what is the use-it-or-lose-it rule? Well, currently, if you do not use the money by the end of the year that you have put into a flexible savings spending account for health care, then that money is forfeited. It goes away. It goes back to the employer.

This rule is a huge disincentive for participating in a flexible spending account, and it probably drives up health care costs itself because it encourages individuals to spend money on health care at the end of the year that may not necessarily be needed, but you have three weeks left, and you have this money in your account, so you might as well go do that. So it has that adverse incentive for the purchase of appropriate health insurance.

So flexible spending accounts, allowing you to have equal tax protection, tax-free purchase of health insurance or health care, in addition to the pooling that we talked about. Those are the first two. And the final one is medical liability reform. As the gentleman from Iowa (Mr. KING) mentioned, I am a physician, an orthopedic surgeon; spent nearly 20 years in private practice of health care and saw during that period of time an incredible explosion in the cost of liability insurance, for somebody that was never sued, never had a suit. And whether or not you do, the real cost of the current crisis that we have as it relates to medical liability reform is not the cost of the purchase of the insurance for the doctor; that is not the real cost. Those costs are going up, certainly, but that is not the real cost. But those are millions and millions of dollars.

The real cost, the real reason that we need liability reform in the area of health care is because of the practice of defensive medicine. You may have heard about this. What is defensive medicine? Well, when you go to your doctor and you tell your doctor what your symptoms are, what you think is wrong, your doctor, he or she, will run through in their mind or look through their resources to be able to determine what kind of tests or studies ought to be done to make an appropriate diagnosis.

Now, the practice of defensive medicine says to the doctor that we ought to do virtually everything that we can do to make that diagnosis as rapidly and as accurately as possible, even though those tests may not be absolutely imperative to do to make that diagnosis. The example that I like to use is, if you have back pain and you came into my office, 90 percent of back pain, 90 percent of back pain is what is called functional back pain. It means that you hurt your back, and you strained it, and it will go away, given a little rest and therapy and exercise and sometimes some medication, 90 percent. But I promise you that everybody that comes into the doctor's office with back pain, what do they get? They get an x-ray. Now, they do not get an x-ray because you can diagnose functional back pain on an x-ray; they get an x-ray because if something is not picked up immediately on that x-ray, then they are liable. They are liable to be sued for not picking it up in 1 week when they may have picked it up in 3 weeks if the back pain did not get any better. That is the kind of thing that goes into the practice of defensive medicine. It has to do with blood tests. It has to do with heart tracings. It has to do with extremely expensive tests and studies that we have available to us that are wonderful. They allow us to have the kind of quality health care that we have as a Nation. But what happens is that they drive up the cost of health care to an incredible degree and frankly do not increase the quality of care that is being provided.

How much money is that? The estimates vary because you cannot get a firm figure on that. No doctor orders a test and says, this test is unnecessary. So the cost is likely to be somewhere in the range of $250 billion to $500 billion, that is with a B, $250 billion to $500 billion in the cost of health care each year in our Nation.

□ 2030

That is why, that is why it is imperative that we have medical liability reform. So the cost of the insurance itself is significant. But that is not the real reason.

Now, there are a number of ways that you can institute appropriate health care reform. I believe that we must give States as much flexibility as possible. I think that there are a number of good solutions on the table. I believe that we have got to adopt one of those solutions that will have true and real and honest effect on the medical liability crisis that we face.

So lots of solutions. Three that I have put out on the table tonight: one is to allow individuals to pool together, to be able to use the power of many people for the purchase of health insurance; second it is imperative to allow individuals to have that equal tax treatment for the purchase of health insurance that the employer has. We need to make it so that all individuals have an incentive to be able to purchase and have health insurance; and then the third issue is the one that I touched on at the end there, that is, the extreme importance of reforming our crisis in lawsuit abuse. It is imperative that that happen. If we do not do that, we do all of the other things, it is not likely that we will be able to get our handle on the increase of health care costs.

So, finally, what three things drive up the cost of business for any business, be it large or small? There is a common denominator to those things that drive up costs. They are taxation, they are litigation, and they are regulation.

The problem with the area of health care is that all of those costs for the provision of health care for our entire Nation are passed on to somebody else. They are passed on in this instance to the employer, by and large, who provides again the majority of health insurance.

When they are passed on to the employer, what is the employer bound to do? They must pass them on to the employee, to the worker. So the worker is hit twice. It is a double jeopardy as it relates to the ability to obtain health insurance.

So hopefully what we have been able to do tonight is to bring some clarity and some focus to how jobs and how health insurance are related, why it is important to concentrate on the cost drivers for health care, taxation litigation, regulation, and why it is important to provide options and opportunities for both individuals and businesses to purchase health insurance and to provide health insurance for their employees.

So with that, Mr. Speaker, I am honored to have had the opportunity to address the House tonight; and once again I want to thank my colleagues, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Iowa (Mr. KING) who were so very helpful in bringing clarity to those issues.

And I look forward to garnering the support of my friends on both sides of the aisle, because this is not a Republican issue, it is not a Democrat issue. It is an American issue. It is an issue that is important for all of our constituents across this Nation.

I look forward to working with all Members of this House to solve the challenges that we have.

IN REMEMBRANCE OF J. J. JAKE PICKLE

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. DOGGETT) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. DOGGETT. 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 this subject.

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

There was no objection.

Mr. DOGGETT. Mr. Speaker, I rise on the joyous occasion of celebrating the life and the public service of a great Texan and a great American, J.J. Jake Pickle of Austin, Texas. Congressman Pickle led a long life, 91 years. He led a long period of public service in this Congress, some 31 years.

And tonight provides an opportunity to draw attention to that public service and that life and give Members of this House an opportunity to incorporate their remarks into the RECORD in honor of Congressman Pickle's service.

Mr. Speaker, with the announcement just before we began tonight that there would be no votes tomorrow, and with our running now approaching 8:30 here in Washington, a number of Members have asked to have their remarks incorporated into the CONGRESSIONAL RECORD already.

I have those of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) extolling particularly her long service with Congressman Pickle, and his important vote for the 1964 Civil Rights Act, and the statement of the gentleman from Texas (Mr. SMITH) who, following redistricting, now has a portion of Travis County that he represents for us in Congress.

The gentleman from Texas (Mr. SMITH), the gentleman from Texas (Mr. MCCAUL), the gentlewoman from Texas (Ms. JACKSON-LEE), and I, along with the gentleman from Texas (Mr. THOMAS), the gentleman from New York (Mr. RANGEL), and the gentleman from Texas (Mr. BARTON), were among those who traveled to Austin, Texas, a couple of weeks ago now, for the memorial service at the First United Methodist Church.

And while all of our hearts were heavy with the loss of Congressman Pickle, I cannot say that I have ever been to a happier memorial service. Because, in addition to being a father, a grandfather, a great-grandfather and a public servant, Jake Pickle was quite a story teller and there were plenty of stories told in the course of that beautiful memorial service, which will be made a part of our RECORD, here as a part of the CONGRESSIONAL RECORD in this tribute.

And there were many stories told outside of that memorial service that added even more to the meaning of friends sharing the tremendous service that Jake Pickle represents.

I am reminded of it, of course, each time that I travel back to my hometown, because when you land at the Austin airport, you land on the Pickle Runway or the Lyndon B. Johnson Runway. And when you travel into the City of Austin, of course you see the University of Texas tower, very closely identified with J.J. Jake Pickle, the research center there at the University of Texas, north of the main campus named for Congressman Pickle, not far from the J.J. Pickle Elementary School, a unique concept of a community center and health center and elementary school all in one.

I noted among the tributes to Congressman Pickle, the words of the first principal of that school, Claudia Kramer Santamaria, who said, I was honored to open the J.J. Pickle Elementary School and have Jake celebrate time after time with our school community. He brightened our day with his visits, told unforgettable stories to our students, and gave endless support to our school.

The Pickle School family will continue to cherish and live out his example of genuine kindness and giving never-ending pride to our children. Jake set an example for me, not just the school community. He will remain in our hearts.

And with the new school year coming up, another generation of young students will benefit from his work in public education and the work that goes on in the St. Johns neighborhood in the Pickle Elementary School and the community health center that is located there.

You know, there are these physical monuments, and of course when I travel into my office, along with other Federal officials there in Austin, that is also the J.J. Pickle Federal Office Building. There are those many physical tributes to Congressman Pickle. But I think those tributes that are most meaningful are the ones that are reflected in the stories of his service.

Normally, when someone appears here in the House, they do so without lapel pins or labels. I chose tonight to wear my Jake green pickle button. And there were lots of those that were at the memorial service. There were many of them that were passed out through the years, along with the squeaky green pickle that was Jake's symbol that he would pass along to kind of warm up, establish a tie to someone that he was meeting for the first time.

He continued passing out those pickles even after he announced his retirement in 1994 at a gathering that I was at, as if he had an endless supply of pickles and an endless supply of energy and interest in working with people.

He really did set the standard for public service. Naturally, the Congressman could not have accomplished this without the support of a loving and supportive family. First and foremost his wife throughout this service, Beryl, there was a great photograph of her and Jake boarding a Braniff airplane for Washington, just after he was elected in 1963, coming up, I suppose, to celebrate Christmas here in Washington after he was elected in a special election there.

I knew him first as Peggy's dad, because Peggy Pickle and I were in Austin High School the same year that he was elected to Congress. Peggy gave a wonderful tribute to her father at this memorial service. And of course the even broader tribute that exists from her, in working with Jake and the many stories that are incorporated in a book that they wrote and presented together called ''Jake'' in 1997.

Peggy; her husband, Don; Dick McCarroll and his wife, Missy; Graham McCarroll and his wife, Marsha. Jake's brother. There was something I remember going to, I believe it was an 80th birthday party at the University of Texas Alumni Center a decade ago. And there were all of those people in their 80s from the Big Spring and the Roscoe area. There was something good in those big springs in that Howard County area, because many people with long lives, great stories and great service in their own way, and one of those who remains with us, our friend, the brother of Jake Pickle, Joe, his sister Judith Pickle Lancaster, and her husband Jonathan, six grandchildren, including my former neighbor Bergan Casey, four great granddaughters, including her son, Peyton Casey, the McCarrolls, the Caseys, the other expanded family of the Pickle family, sharing a special place in their hearts for all that this man contributed to the public, but for the family man that he was, and recognizing the sacrifices that they made so that he could continue to be in there day in day out working so hard for people throughout central Texas.

He was also blessed with a tremendous staff. I can remember coming here to Washington for the first time as a University of Texas student myself and the warm feeling that one got in going into Jake's office over in the Cannon Building, an office that when he first came to Washington, with Jake Pickle, he served in a more humble way, I believe as a night watchman, probably at hours like this, a job he told me he was never very good at; but he was sure good at what was happening working night and day, first for Congressman Lyndon Johnson, and later in his own right on behalf of the thousands of people across Texas that he represented.

In the Washington office, Molly Kellogg was always there at the front desk greeting people so warmly and giving them that Texas hospitality that we all relished when we came to see Jake in Washington.

In the Austin office, a similar role was played for many years by Dorothy Elliott. Here in the Austin office, Paul Hilgers headed up the team as they passed the torch to me there in Austin. And there are so many others: Sandy Dochen, Joyce Arnold, my long-time friend from the University of Texas, Cliff Drummond, Judge Bill Schroeder and Kay Schroeder from down in Lockhart, Fleetwood Richards, who was at this memorial service who served Jake early in his career in the Congress.

Kathy Morris, Michael Keeling, Minnie Lopez who was there working on behalf of veterans as Jake worked to the last day in 1994 in his office there in Austin.

Missy Mandell, George Phoenix, Reg Todd who served admirably as a district director there in the office, Ateja

Dukes who was there assisting Paul in the office, Joe Grant. So many others that have continued to serve in different ways here in Washington.

People like Janice McCullough and Barbara Pate who served here with Rob Portman on the Ways and Means Committee. One person after another who was inspired by Jake's own level of activity to be active participants in the process, not only working with Jake Pickle, but working after they completed their official tour with Jake Pickle, as indicated by the large number of Pickle staffers, both at this memorial service and at a great celebration of Jake's birthday here about a year ago. Once on this Pickle team, always a part of it.

□ 2045

It really is an humbling experience to try to capture just a little of the essence of this great American because while his focus was on his home folks, the folks of central Texas that he represented, he was also a great American leader. He played a pivotal role in the eighties in what was a very bitter and divisive debate over the future of Social Security. And by making some changes in the Social Security system then, he was able to bring it that additional solvency from which we continue to benefit today.

He was a person who knew a time in America when there was no Social Security system. He recognized how really important it is to provide that basic safety net for all of our seniors. His work for Social Security, for Medicare on the House Committee on Ways and Means, was extremely important to preserving that for another generation of Americans.

There is a great deal for us to learn from the work that he did at that time to try to bring people together to address Social Security problems, but to do it in a constructive way so that Social Security, the same Social Security Franklin Roosevelt signed into law could be there for generations of Americans to come. His work in oversight on the Committee on Ways and Means, investigating organized crime and its involvement with the pension fund, seeking to assure that nonprofits were complying with the law and not abusing the public trust and the public treasury are the kind of things that fill the footnotes but are extremely important to the operation of our government.

As I talk, though, with people on the Committee on Ways and Means, almost all of whom will have remarks to be inserted in the RECORD, they are mainly telling me the stories of Jake Pickle and how he could take a moment of divisiveness, perhaps of acrimony, and turn it around into a moment of humor. That is why a delegation of both Republicans and Democrats join together to bring honor to him at this memorial service and will be joining together as a part of this special order to reflect on their experiences with Jake Pickle.

One of Jake's longtime friends, Eric Stumberg, summarized him as a man with a heart for children and the underdog, a vision for possibilities, a great storyteller, and a wit and simple wisdom to humble the arrogant. And he always left a smile and an ideal to ponder along with that plastic Pickle.

Jake was a man of ideas and he was far ahead of his times. In addition to some of the other areas that he worked in over 20 years ago, he was named the Solar Power Congressman of the Year. He seemed to have energy from many sources, but he recognized the importance to our energy future of alternative energy sources. His attention to the need for research and development was unfaltering as he doggedly pursued one funding project after another for the University of Texas.

I think that it is noteworthy that when Jake was elected to Congress, his district stretched from the Johnson ranch out in Blanco County all the way to the Harris County line. He went from the hill country to the Texas Gulf. He went through dozens of small rural Texas communities, farming and ranching communities. And when he left office some 31 years later, he represented basically the City of Austin, Travis County, because it had grown to such a significant town. A city which would soon have, in 1 year, two $1 billion semi-conductor fabricators going up. And this man's ability to adapt over that period of time to those changing conditions and to be a force for change in helping get the research dollars, the government support, realizing that government certainly has to be restrained at times but that it can be a force for positive good in the lives of communities and in the lives of individuals. He recognized that.

He transformed, played a transforming role in our community in helping Austin become a really world class center for technology. And I think at the same time was able to preserve those values and those relationships which served him well from the first day that he got to Austin, Texas, from out in Big Spring. Indeed, I think everyone who was with us recently at the First Methodist Church there in Austin took note of the fact that Lady Bird Johnson, First Lady of America, and her daughters, Luci and Linda, were there at the service as they have been at every Pickle public event that I believe I have ever been to, as a tribute of the close relationship between the Johnson family and the Pickle family that served them well in politics but also served them well as individuals who respected each other, learned from each other and contributed to make a better central Texas and a better America and I believe a better world.

I am pleased to be joined by one of our colleagues who I see has Jake's book, as we all do, the book that Jake and Peggy put together here a few years ago. The gentleman from Texas (Mr. GENE GREEN) served with Jake. He represents the Houston area. And the gentleman may want to add a few stories. I have not really gotten into the storytelling part. I have just talked about the storyteller himself. I really appreciate the gentleman coming out, as I know the family and staff of the Congressman do, to add words at a time here when we are officially in recess and with so many of our colleagues heading off to the shuttle launching tomorrow.

Mr. Speaker, I yield to the gentleman.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague who served many years in the State Senate and in the Supreme Court of Texas and now in Congress.

Since it is replacing Jake Pickle, although nobody can replace Jake Pickle, I served only one term with Jake, but knowing him and when I served in the legislature with him for 20 years in Austin before I was elected to Congress, Jake for my whole career was the definition of Texas gentleman. He loved Texas and loved Austin and the hill country.

I guess my first experience knowing Jake was in 1974. I just completed my first term as a young 25-year-old member of State legislature. And another member that served one term, Larry Bails, Larry decided that Jake might be vulnerable in 1974. So Larry Bails, who had a good one term in the legislature and was the owner at that time of the landmark in Austin, the Schultz Beer Hall, where a lot of legislature folks decided to go after the session, Larry decided to run against Jake and ran a fairly aggressive campaign. But Larry was one of the many who made that wrong decision.

Larry was a good member of the State legislature but decided he would move up too quick. I watched Jake campaign, because we were at the Constitutional Convention during that primary of that year. I was in Austin at that time and still going home on weekends like we do now, and watched that campaign unfold and how Jake literally, he being a long-term member, at that time a little over 10 years, literally took this young fellow apart so to speak.

Jake was such a great person. We have so many good stories. The reason I brought his book over is that, in 1997, Jake gave me this book and wrote an inscription that I was so proud to come from someone of Jake Pickle's stature: To my distinguished colleague GENE GREEN, experienced, effective and trusted, and I know this GENE GREEN was for the people. And having that statement from Jake Pickle was more than anyone could ever expect.

I would just suggest that if someone wants to have some great stories of how government works and how, in our process, if you do not have a sense of humor, you will surely go crazy; Jake did this in his book and I assume it is still in print, the University of Texas print. For my colleagues, I know the Library of Congress has them. My colleagues will love to read it. You will

stay up all night because I did that. When I first got the book, I stayed up and read all the great stories about LBJ when Jake was a staff member for President Johnson.

I served with a lot of great people in my time and great Texans, and Jake was one of them. I compare Jake to Lieutenant Governor Bob Bullock in one way; they both loved Texas and loved the job they did.

I have to admit, Bullock would wake up in the morning and give everybody a good cussing and, thank goodness, forget about it in the afternoon. You did not have to worry about that with Jake Pickle because he was a gentleman. But he also had a sense of humor I do not think any of us can express too much.

In the introduction to his book, I believe his daughter wrote the introduction, and briefly some of Jake's rules are: In a parade, do not get behind the horses but do ride in a convertible with your name on the sides. Always be available to constituents. Do not assume they will not find out about it because they will.

These are some good tests for all elected officials whether you are in Congress or not.

If it does not pass the smell test, do not do it. A politician who expects financial privacy is in the wrong line of work. Do not arrive at events too early because they do not know what to do with you. Listen for the bell.

Those of us in Congress understand that. We have to listen for the bell so we can go vote.

Answer every constituent's letter within 3 days of its receipt. We have that goal in our office still, 3 business days anyway.

If you do not know where the money came from, give it back. Holding a drink gets in the way of shaking hands.

That is a good saying for elected officials also.

In your home district, you cannot say no. Jake understood that.

In a restaurant, face the door so people can see and talk to you. Always carry a pen and paper. Introduce yourself first. At barbecues, which is something we do a lot of in Texas, stand at the head of the food line. Everybody has to pass by and you get to shake their hand. Never take it all for granted.

Those are some of Jake's sayings that I think any elected official can live by. Jake will be missed.

I will close by telling a personal experience. When my daughter went to the University of Texas, she had a project one time, and this was after Jake had left Congress. And she went down to his office, and Jake literally opened up for an hour or more helping her do her project at the University of Texas. Of course, this is a young lady who grew up in politics and was actually born while I was in the legislature.

After she met Jake Pickle, and she did not call me to say she had to go do it; she did call me and say, Dad, I just met one of the greatest folks I ever talked to. Jake Pickle, Congressman Pickle was so good to talk to me. He was so down to Earth, so easy to understand.

I think that is Jake's legacy. I guess the last thing I would say is his legacy goes on because, at the University of Texas, the J.J. Pickle Fellowship Program supports internships within the executive, legislative, and judicial branches of the Federal government. It is fitting that, after passing, J.J. Pickle will be helping the future public servants just like he has helped so many of us in the past.

Jake will be missed. I know his family will miss him, but we will also miss the feeling of his love for Texas, his love for Austin, the communities of central Texas, but also our country.

I thank the gentleman from Texas (Mr. DOGGETT) for allowing for this special order this evening.

Former Congressman J.J. Pickle was a standout in the great tradition of Texas legislators. He was deeply loved and respected throughout Central Texas and the entire state.

My sincere condolences go out to his family and friends throughout Texas and the Nation for their loss of this great man.

From Big Spring, Texas J.J. Pickle went on to win Former President Lyndon Baines Johnson's 10th District Congressional seat and became a senior member of the powerful House Ways and Means Committee.

His accomplishments here were numerous. One example when he chaired the Social Security subcommittee was the bipartisan, consensus changes to save Social Security back in 1983.

I served with him in this House from 1993 to 1995, and he was an inspiration to all of us.

He was a dedicated public servant, whose legacy shows he did what was best for his constituents, not politics. As proof of his dedication to public service, the J.J. Pickle Fellowship program at the University of Texas supports internships within the executive, legislative, or judicial branches of the Federal government.

It is fitting that even after his passing, J.J. Pickle will be helping future public servants, just like he helped so many in the past.

His passing should give us all an opportunity to reflect on his ideals of constituent service and hard, honest work.

Politics sometimes distracts us from why we got into this public service in the first place—which is the honest reward you feel when you help the community.

Mr. Speaker, I rise in deep regret at the passing of a great Texas leader, J.J. Pickle. May God bless him and his family during this difficult time.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for being here and for participating and sharing those thoughts.

Our colleague, the gentleman from Texas (Mr. EDWARDS) already spoke earlier this evening before we formally began this special order, but his remarks, the various written remarks of our colleagues of both parties will be made a part of this RECORD.

We talked about the stories of Jake Pickle and what a storyteller he was. I liked the one, in the aftermath of his passing away, that came from a local Austinite and admirer of Jake Pickle, John Kelso, in the Austin American Statesman. He said, ''Jake Pickle was like your barber. You knew his name, and you knew what he did.''

But the story amongst several that John tells that I think really captures the essence of what Jake was all about was, could you pick your representative from Washington out of a line up? Maybe not, but you could not say that about Jake Pickle. You could have had seven Jake Pickle clones in an eight-man line up with Jake Pickle and you could tell which one was Pickle. He would be the one shaking the other seven guys hands and telling funny stories. And there was one after another out of the Pickle barrel that he would tell around here and to our colleagues.

□ 2100

He also could be very eloquent in discussing the needs of the people of central Texas and of our country. During one very lengthy debate here in 1983 here over Social Security, he pointed to Daniel Webster's quotation at the Speaker's podium and read the words: ''Let us go forth to build up and protect our national resources that we too in our time may do something worthy to be remembered.''

Certainly, from his first major vote on the Civil Rights Act to his hard-fought preservation of Social Security, there is no doubt among those who know of his deeds, his constituents, his colleagues and friends, that his contribution will be remembered long after in the very words that Webster spoke.

I believe that of all the votes that Jake cast here and the speeches he gave at this very spot that the one that he talked about the most, that was the most significant, was among his first votes on the 1964 Civil Rights Act. That vote took place in the aftermath of the assassination of President Kennedy at a time of great strife in our country over civil rights and our future. It was a critical vote to the rebirth of our country and to trying to cope with some of the wrongs, many wrongs of the past.

Congressman Pickle, representing a southern State, was a new Member, faced a difficult decision, and he describes that at some length in the book that we have referred to and will incorporate portions of as a part of this RECORD. But I have heard him personally tell, as so many have here, about casting that vote and about calling the White House to talk to the President, it being so late, and then getting the opportunity to hear from the President of how very proud he was of the fact that Congressman Pickle cast one of the only votes from the southern States in support of this very critical piece of legislation.

From there he went on to add a road here, a project there, assist a constituent with a veterans health care

problem here, and someone who had a Social Security problem there. For each of those people that he assisted directly, and for those that he encouraged by the example of public service that he provided, his hard work, his integrity, his commitment, his gentle nature, I think he will long be remembered in our community.

I was just noting another of the comments that I saw in the aftermath of his passing away where one of our neighbors there in central Texas, who identified herself as a Republican, Marcia Manor, said, ''When I would take my mom to vote, she always said, 'I only care about voting for Jake.' She would of course vote for some other candidates, but Jake Pickle was the important vote. And when I asked her why, she said, 'Because he always kisses me when he sees me.' '' Well, Jake kissed and hugged a lot of folks across central Texas because he had that genuine warmth, that genuine Texas hospitality for which our community is known.

I think that it was that individual touch and contact with people more than the detail of a piece of legislation that had the most meaning to people in our community. We will, through this Special Order, have an opportunity to add more extended remarks honoring Jake. I have been contacted by a number of our colleagues who will, over the course of the next several days, want to add their remarks to the RECORD and make it a part of the history of this body, reflecting on 31 years of faithful service here in this House.

I would just say that, Jake, I feel we owe you a tremendous debt in setting such a high standard for what it really means to be a public servant; for someone who worked the hardest for those who had the least; for someone whose sense of duty kept him and his loyal staff working long hours; and for making it all look so very easy. Thank you for reminding us how much one person can accomplish; what a difference one person can make in his or her community, world, country, State; and reminding us how much one person can accomplish when you devote your life to the service of others.

Texas and a grateful Nation salute you and say, ''J.J. Jake Pickle, a job well done for America.''

Mr. HINOJOSA. Mr. Speaker, on June 18, this nation lost a true patriot when James Jarrell ''Jake'' Pickle passed away. Congressman Jake Pickle was truly dedicated to his country, the state of Texas he loved so much, and to the constituents he served so dutifully. In 1942, young Jake Pickle began his public service by enlisting in the U.S. Navy and serving as a gunnery officer in World War II. After surviving three torpedo attacks he returned to Texas and with some fellow veterans established radio station KVET in Austin, Texas. As a protégé of President Johnson, he came to the U.S. House of Representatives in the early 1960s looking to make a difference. He got his chance almost immediately.

Bucking the trend of the times, and breaking with many from the Southern delegation, Congressman Pickle voted for the Civil Rights Act of 1964, and continued to remain a staunch advocate for civil rights and protections for minorities. He always said that this vote was the proudest moment of his career. In the early 1980s, as chairman of the Ways and Means Subcommittee on Social Security, he worked to protect and strengthen Social Security from financial ruin. Recognizing the need to maintain America's technological edge and always mindful of the need to increase job opportunities for his constituents, he helped bring high-tech industries to Austin and worked to make the University of Texas, my alma mater and his, a cutting edge research institution.

As I have traveled throughout my newly reconfigured district, I have heard numerous stories about Jake and the plastic pickles he used to hand out on the campaign trail. He loved the people of Texas, and was happiest when he was sitting at a local diner telling stories and listening to his constituents. I was very honored to represent my colleagues as part of the official Congressional delegation that was sent to Congressman Pickle's funeral. It is my hope that as the Representative for some of the communities Congressman Pickle proudly represented for 31 years I can continue advocating for the issues he cared for the most, and represent the people of the 15th Congressional District with the same honor, grace and dedication. I extend my sincere sympathy to Congressman Pickle's wife Beryl, his children, grandchildren, family and friends on their loss, but know that his memory will live on in the halls of Congress and in the communities of Texas.

Mr. THOMAS. Mr. Speaker, I rise today in honor of our former colleague and friend, the late Representative J.J. ''Jake'' Pickle.

As many of you know, Jake and I served together on the Committee on Ways and Means for eight years. In fact, when I first began to serve on the Committee in 1983, I was assigned to the Subcommittee on Social Security, which he chaired. Jake's hard work and skill helped develop the legislation enacted in 1983 to enhance Social Security. Jake is also well-remembered for his courageous vote in support of the Civil Rights Act of 1964 and the superior service he provided to his constituents.

I admired Jake's ability and work ethic and appreciated his friendship. I will miss him and extend my deepest condolences to his wife Beryl and the rest of his family.

Mr. HALL. Mr. Speaker, I join my colleagues today in paying tribute to a truly great former Member of the House, the late Jake Pickle of Austin. Jake served his district and the people of Austin for more than 30 years and was one of the most effective and formidable Representatives this body has ever known.

Jake was my colleague in the House for about half of his tenure. He loved this institution and was one of its leading Members throughout his service. Time and again, Jake convinced a majority of us to support appropriations and programs that benefited the citizens of his district around Austin—and at the same time he managed to convince us that it was somehow good for our districts, too.

Jake had the intellect, personality, and drive to accomplish countless legislative victories for his district and our country. As a senior Democrat on the House Ways and Means Committee, he was instrumental in passing major Social Security reform legislation in 1983. This legislation helped ensure the viability of this great program for senior citizens for the past two decades.

Jake managed to be both respected and beloved. He will be long remembered not only for his accomplishments but also for his engaging and flamboyant personality. His influence will be felt for generations to come, and he will forever be remembered in Austin as one of the great statesmen of the State of Texas.

May God bless his family, and may he rest in peace.

Mr. SMITH of Texas. Mr. Speaker, many great Americans have served in this House; men and women of conviction who represented their constituents with integrity, energy and devotion to assuring the American dream becomes a reality for all.

Few Members of Congress have served with such unbridled enthusiasm, such untiring good humor and such true pleasure in the task as did my late colleague from Texas, Jake Pickle.

Jake's passing last month at the age of 91 was, in many ways, the end of an era in Texas history. A longtime confidant of President Lyndon Johnson, Jake represented the 10th District of Texas for 31 years. During that long tenure, he set an enviable record for constituent service and responsiveness. No constituent concern or problem was too small for Jake's attention.

Jake loved this House and took seriously his responsibility to uphold the integrity of the institution and the responsibilities of representative government.

Sometimes his enthusiasm was expressed in his tireless work for legislation. At other times, it was expressed in his support for his beloved University of Texas Longhorns. And at other times, it was expressed in a quiet talk with a troubled constituent he encountered on Congress Avenue in downtown Austin.

It is most fitting that Jake's funeral service was conducted in his church that stands in the shadow of the dome of the Texas State Capitol. And it is fitting that he rests now in the Texas State Cemetery with other leaders of the Lone Star State.

It was both a tremendous honor and a great learning experience to have served in this House with Jake Pickle.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to join my distinguished colleagues and pay tribute to my good friend, J.J. Pickle. Those of us who have the tremendous honor of serving in this great institution sometimes fail to see the giants that serve among us. Certainly J.J. Pickle was one of those giants.

He was a man who gave his heart, literally, to this country. He poured hours after hours into trying to grapple with the important issues we faced as a Nation, and he did it because he loved this country. He was truly a public servant who cared about the people in the State of Texas, and cared about the people in this great country.

It is rare that we see people in this institution who worked as hard as J.J. Pickle. However, in doing so, he was always able to retain his touch of the common man. As much as he accomplished academically and through the higher ranks of government in this country, he never lost the ability to relate to people on a day-to-day level. To me he will always be Jake, the fellow who would put his arm around

you, smile and joke, and ask how things were going. He was a man who cared about you as an individual and I cared about people.

He loved high-powered debates with intellectuals, but he never put on airs. He was one of only seven southern representatives to vote for the 1964 Civil Rights Act legislation. He believed that his most significant accomplishment as a lawmaker was the 1983 Social Security reform bill, which he helped pass as chairman of the Social Security subcommittee. That legislation eased Social Security's financial problems by raising the age for full benefits from 65 to 67 in the year 2000. He could talk to farmers and mechanics as easily as Presidents such as from his mentor, President Johnson and other leaders. It is no wonder the voters of Central Texas kept Jake in Congress for 31 years. They knew a good man when they saw him. They, and all Americans, have lost someone very special.

Thank you, Mr. Speaker, for allowing me to recognize J.J. Pickle, a man whose spirit and involvement has made a lasting mark on Texas and this Nation.

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

STEM CELL RESEARCH

The SPEAKER pro tempore (Miss MCMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Madam Speaker, there have been a number of articles in the recent press relative to stem cell research, with particular reference to embryonic stem cell research. I thought it might be well in starting this little discussion to take a look at what we mean by stem cells.

I have here a chart which shows in very abbreviated form the development of an early embryo. It starts out with the zygote, which is the fertilized egg; and then it skips a couple of stages of development, and it goes through the blastocyst, and then it goes to the gastrula. By the time the embryo gets to the gastrula stage, the cells have already differentiated to the place that we have three different kinds of somatic stem cells. This is the ectoderm, and the mesoderm, and the endoderm, and then those very specialized cells, which in the female will be the germ cells in the ovary, the ova, and in the male will be the millions and millions of sperm that are in the gonads of the male.

If we look back, Madam Speaker, at these stem cells that are present here in the gastrula, where we have these three, as we call germ layers, we see the ectoderm can further differentiate into skin and nervous system and some of the pigment cells in our body; and then the mesoderm, the middle layer, that differentiates into what is most of us by mass and weight, cardiac muscle, our big skeletal muscles, the bone, the smooth muscle, all of our blood, and the blood is an organ, it happens to be a liquid organ that is dispersed through the body; and then the endoderm. This is much more limited in volume and in variety, but still very important. The pancreatic cells, the thyroid cells, the lining of the gut, the lining of the lung and so forth.

It might be worth just a moment, Madam Speaker, to take a look at our next chart, which kind of puts this in context. We started out with the zygote, which is the fertilized egg here, and we ended up with the inner cell mass with these three germ layers. What we show here are all the stages that were omitted in that first chart. This is one-half, as the little diagram here in the upper left shows, of the reproductive tract of a female. It shows the ovary on one side and the fallopian tube, with the funnel-like opening here called the infundibulum. Then it shows the fallopian tube on down to the uterus itself.

What it shows, Madam Speaker, is that fertilization takes place well up in the fallopian tube, and that begins day one. And then as the egg slowly moves down the tube, it splits first into two cells, then four cells, and then eight cells, and then the larger variety of cells, and finally where you have the inner cell mass and then to the gastrula.

There are two kinds of stem cells, adult stem cells, and those are derivatives of the cells that we showed in the previous chart. For instance, in the humans we have adult stem cells in our bone marrow. These are cells which are differentiated to the point that they will produce a limited variety of cells, but still undifferentiated to an extent because these stem cells in the bone marrow can produce red blood cells and polymorphonuclear leukocytes, part of the white blood cells, and the thrombocytes, those are the cells, the platelets as we call them, that are associated with clotting. And there are a number of adult stem cells similar to that that still retain some of the capability for producing more than just one kind of cell.

We have been working with adult stem cells medically now for more than 3 decades, and there have been a number of medical applications, treatment of humans that have been made with adult stem cells. But just because they are what they are, Madam Speaker, a great number of people believe that there should be more potential from the embryonic stem cells simply because they can produce any and all of the tissues of the body.

Since we have been working with embryonic stem cells for now just a little over 6 years, we have not had the opportunities for medical applications we have had in adult stem cells, but this does not dim the hopes of the scientific community and the medical community that ultimately there may be more and better applications of embryonic stem cells to treatment of diseases than adult stem cells, simply because of what they are, puripotent cells retaining the ability to produce any and all of the tissues of the body.

It is possible, Madam Speaker, that this characteristic, which makes them so potentially attractive and exciting, may be uncontrollable. They may be so bent on dividing that we cannot control their division. They may end up producing tumors and cancer-like growths in the organism in which you put them.

But if that can be controlled, the medical community and the researchers associated with it believe there is potential for enormous applications to medicine of embryonic stem cell research. We have now had 58 applications of adult stem cells in helping to treat some of the diseases.

What are the diseases that could be treated with stem cells? Ordinarily, one thinks that the greatest potential for the use of stem cells would result from use in diseases from tissue deficiency rather than diseases that result from some organism, although if there is an infection in the body and a tissue is damaged, there is the hope that it might be replaced with stem cell application. There are a number of diseases that the scientific community and the general public believe might be amenable to treatment with stem cells, particularly embryonic stem cells.

Diabetes is one of those. This is the most costly disease in our country. It costs more to treat the diabetics in our country than any other single disease. I have these come through my office. Particularly heartrending are the little children that come there, 5 and 6 years old some of them, such brittle juvenile diabetics that they have an implanted pump and they have to prick their finger or some part of their body a number of times a day to monitor the glucose level so that just the right amount of insulin can be injected to control this.

This insulin is produced by cells called island of Langerhan cells. Dr. Langerhan was the German scientist that described them. And they look like little eyelets because they are simply distributed through the tissue of the pancreas. The pancreas is a very large gland at the very beginning of the small intestine that secretes all of the different kinds of digestive enzymes so that fats, carbohydrates, and proteins all are digested using the enzymes secreted by the pancreas.

□ 2115

I have no idea why nature placed the islets of Langerhans in the pancreas. They could be placed anywhere. With these stem cell applications if we could create islet tissue, they could be placed in the person. It could be placed in the groin, under their arm, under the skin, anywhere. It does not have to be in the pancreas. This islet tissue could then make insulin which would cure diabetes. When you give insulin to the diabetic, it delays progression of the disease, but it does not cure it. A person with juvenile diabetes faces the prospect that they probably will have a shortened life, problems with their vision as the vascular bed in the back of the eye breaks down, and they may

have problems with circulation in their extremities, particularly in the feet where there is some difficulty getting blood back uphill to the heart.

As many people in this country know through relatives and friends, this results frequently in sores that do not heal and results in gangrene, so the toes or a foot may need to be taken off. Diabetes is one of the diseases that is very attractive as a potential for use of stem cells, because if we could just produce islet tissue, we could cure diabetes, the most expensive disease that we have.

Another disease is multiple sclerosis, and if impaired cells could be replaced through stem cell therapy, then the person could walk again.

Lou Gehrig's disease, I remember my grandmother was tripping and falling, and they did not know why. It took them quite awhile back, this was a number of years ago, to determine she had Lou Gehrig's disease. I remember as a teenager going to her bedside. She was maintained in the home. She slowly deteriorated, losing first one muscle function and then another. Finally, at the end, the only muscle function she had remaining was the ability to blink her eyes. It was once for yes and two for no, as I remember. She could not swallow and had indicated she did not want to be force fed and ultimately she died from starvation with this disease.

Well, anybody who has a friend or a relative that has gone through that kind of experience has to be enthusiastic about the potential for stem cell therapy. This was a number of years ago, but if it were tomorrow or the day after tomorrow figuratively, maybe there could be stem cell therapy for my grandmother, and she would not have to have died at the relatively young age she died at.

Alzheimer's disease is another one. President Reagan died from Alzheimer's disease. Victims do not even recognize their favorite loved ones, have no memory and may wander outside and wander off.

There is a whole category of autoimmune diseases. I have a paper which lists 63 of the autoimmune diseases. By that, I mean a disease where the body gets confused as to what is the body and what is not the body.

When we are developing as embryos in our mother's womb, there are certain cells in our circulatory system called T-cells located in the lymphatic tissue, and the T-cells are imprinted with who we are because once we get out of the mother's womb, we are going to be in a hostile environment, exposed to bacteria and viruses, and so it is important that the body knows what it is so the defense mechanisms in the body can be marshaled to eject the intruder.

These T-cells identify what is you and what is not you, and they alert some of the specialized cells in our white blood cell system so they are attracted to the site, and they eject, they may consume, they eject the intruder.

There are 63 distinct autoimmune diseases. For some reason, the body gets confused and the autoimmune system gets confused and starts attacking your joints, for instance. We know that disease as arthritis.

I remember my first real introduction to this big list of autoimmune diseases was a secretary I had, a very vibrant young lady whose life was really, really changed because she had lupus. There are many Americans who have family or friends who have lupus, and lupus was one of the first autoimmune diseases that was discovered.

There is a controversy going on over the potential for embryonic stem cell medical applications and adult stem cell medical applications. We have been working for more than 3 decades with adult stem cells, and our very able medical scientific community has been able to develop a number of applications that can cure or at least lessen the severity of disease using adult stem cells.

Since we have been working with embryonic stem cells for only a brief period of time, we do not have any direct applications to medicine of embryonic stem cell therapy, but that does not dim the enthusiasm of the medical community because they believe that the potential there ought to be greater.

But the real problem here is that up until this time the only way that we can get embryonic stem cells is to destroy the embryo. The scientists go into the inner cell mass stage. That is this stage here, day five. Of course, what we are doing now in the laboratory is not done in the uterus. All of this is done in a petri dish. The in vitro is in glass. In vivo means life. The embryo is destroyed at the inner cell mass stage, and cells are taken to produce a stem cell line.

About 4 years ago, this produced a real dilemma for the President who, like all of us, has family and friends who have one or more of these diseases that could be potentially ameliorated or cured by embryonic stem cell application. Yet the President knew the only way we were presently getting embryonic stem cell lines was by destroying embryos. He, as I am, is a strong pro-life advocate and the President had a problem with taking one life because that embryo produced in the laboratory in surplus and in vitro fertilization had the potential when implanted in a receptive mother to become a baby and the President's problem was that he had a moral problem with taking one life with the hope of helping another.

While the President was wrestling with this problem and what to do about it, there was a briefing at the National Institutes of Health for Members of the Congress and for their staff. I went out there to that briefing.

As the next chart shows, when we were talking about the potential for embryonic stem cell lines, I remembered my training of more than 50 years ago when I got my doctorate at the University of Maryland and had a course in advanced embryology and then went on to teach medical school for 4 years and postgraduate medicine doing basic research at the National Institutes of Health. I remembered what everybody knows, because they had the course in advanced embryology it was in my mind, that whenever we have identical twins what has really happened is that half of the cells have been taken from the early embryo. The half that is taken becomes a perfectly normal baby, and the half that is left becomes a perfectly normal baby.

Madam Speaker, one is a clone. When one thinks about cloning, remember that Mother Nature or God, to whomever you want to subscribe it, has been cloning for a very long time. Now these early embryos can split either at the two-cell stage or at the inner cell mass stage or anywhere in between, presumably.

We know at least at those two extremes because we can tell by how they present at birth when they split. If they share an amnion, they split at the two cell stage. If they have separate amnions, they probably split at the inner cell mass stage.

So knowing that half of the cells could be taken away from an early embryo without harming the embryo, unless you think identical twins are somehow deficient, and I have talked with a number of identical twins, and I have not talked with any of them who thought they were less a person or deficient because half of the cells were taken away to produce the other identical twin.

It occurred to me that you ought to be able to take cells from an early embryo without hurting the embryo to develop a stem cell line from that early embryo. I mentioned this to the researchers at NIH, and they said, yes, that is theoretically possible to do that.

Just after that, I was at an event and the President was there and when I went through the line, I mentioned my visit at NIH and the response that they had given to my question. A few days later, I had a call from Carl Rove and the President had turned the pursuit of this suggestion over to Carl Rove. Carl told me that he talked to the people at NIH, and they tell me what you have suggested is not possible.

Carl, I said either they are funning you or they misunderstand you, because these are the same people that can take a single cell and take the nucleus out of that cell and put another nucleus in it. That is what they did with Dolly the sheep and the large number of clones that have been produced since then.

I said, of course, if they can take the nucleus out of a cell and put another nucleus in it, they can certainly take a cell or two out of what is a relatively big embryo. So he went back and asked them again and then called back and said they are still telling me they cannot do that. So a few days later, the President came out with his executive order.

Madam Speaker, you may remember this was kind of a decision like Solomon might have made. Obviously, from the potential efficacy of embryonic stem cell research and medical applications, it is very desirable that we do that.

On the other hand, if the only way to get embryonic stem cells is by destroying an embryo, then you are left with the quandary of, is it really acceptable to destroy one life with the hope that you are going to help another?

So the President came to a decision that I think represented great wisdom. He recognized that a number of embryos had already been killed, destroyed to establish stem cell lines, and since you cannot turn back the hands of time to change that, these embryos were gone, the stem cell lines were there, and so the President, recognizing the potential for embryonic stem cell research, and being concerned that you should not take one life with the hope of helping another, wisely I think, said we could spend Federal dollars on any exploration we chose with the existing stem cells lines, and he thought there were about 60. There have never been 60, but he was told there were something like 60 stem cell lines, and Federal dollars could be used for research on those lines, but no Federal dollars could be used for developing or destroying any additional embryos for stem cell lines.

□ 2130

This was about 4 years ago, and as we knew, the scientific community knew, as I knew because of my background, these stem cell lines would eventually run out. Stem cell lines, like people, age. For reasons that we may not understand, they do not last forever. Those stem cell lines, Madam Speaker, are running out. We now have, I think the accepted figure is 22 stem cell lines left, and all of these are contaminated with mouse feeder cells. This is the result of a technique which is used to facilitate the replication of these cells in the tissue culture, and they are now all contaminated with mouse feeder cells so that although they are perfectly good for research and a lot of research is being done, they are not good for medical application because you would not want to put the cells contaminated with mouse feeder cells in a human.

So what now? One of the potential solutions to this problem is included in H.R. 810, the Castle-DeGette bill; and the argument made in this bill is that there are about 400,000 surplus embryos out there from in vitro fertilization. You see, to make sure that the doctor is going to have a good embryo or two or three to implant in a mother, because they do not all take, he will produce more embryos than he will probably need. Then he will look at them under the microscope and pick the strongest looking of those embryos and may put two or three or so in the mother.

One of our Members, the Rohrabachers, are now the proud parents of triplets from in vitro fertilization. All of them grew and so they are now the proud parents of these very happy and healthy little babies. Since there are 400,000 surplus embryos out there that are frozen, the argument is, and this is the argument of the bill, that since these embryos, at least many of these embryos, realistically most of these embryos will ultimately be discarded, they will not stay frozen for 49 years there, they will not last forever, and by and by they will be discarded, and so the argument is, why should medicine not benefit from cells, from embryos that are going to be discarded anyhow? That to many people is a compelling argument. It was a compelling argument to a majority of people in the House, and now they are considering this bill in the Senate.

But to those in the pro-life community, there is another way of looking at these embryos. I am at the microscope and there is an embryo under the microscope there. That embryo could become a snowflake baby. More than 100 times parents who do not have an ovum, cannot get pregnant any other way, have adopted these surplus embryos and we have more than 100 of what we call snowflake babies. The embryo that I am looking at under the microscope might be adopted and that could be any one of the 400,000 embryos, and it might be the next Albert Einstein. How could I destroy an embryo that might be adopted and might be the next Albert Einstein? So this is the argument on the other side, which is why the great debate over H.R. 810.

As a result of a series of discussions with the White House and with a number of the interested groups, we have developed a bill which is called H.R. 3144, the Respect for Life Pluripotent Stem Cell Act of 2005.

Madam Speaker, I will make this short bill a part of the RECORD.

H.R. 3144

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 ''Respect for Life Pluripotent Stem Cell Act of 2005''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Stem cells may be derived from various sources, including adult tissue, umbilical cord blood, and living human embryos. The use of cells from embryos has drawn great interest in the scientific community but also raises very serious ethical concerns for many Americans, because as practiced today it requires the destruction of human embryos to obtain their cells.

(2) The President's Council on Bioethics in its May 2005 White Paper: ''Alternative Sources of Pluripotent Stem Cells,'' describes several potential methods to derive stem cells like those now derived through the destruction of embryos, but which would not involve doing harm to embryos. Some methods propose to involve embryos in ways that do not harm them, while others propose to reprogram adult cells to produce cells with the capabilities of embryonic stem cells without producing or involving embryos at all.

(3) Such proposals should be thoroughly tested in animal models before being applied to humans, to establish that they do not involve creating or harming human embryos.

(4) Several scientific reports also suggest that some subclasses of adult stem cells (derived from postnatal tissues, umbilical cord blood and placenta) show a flexibility comparable to that of stem cells now derived through the destruction of embryos.

(5) American scientists should be encouraged to pursue all ethical avenues of stem cell research and to explore morally uncontroversial alternatives to research requiring the destruction of human embryos.

SEC. 3. DERIVATION OF STEM CELLS WITHOUT HARMING EMBRYOS; RESEARCH THROUGH NATIONAL INSTITUTES OF HEALTH.

Part B of title IV of the Public Health Service Act (42 U.S.C 284) is amended by adding at the end the following:

"SEC. 409J. BASIC AND APPLIED RESEARCH ON DERIVATION AND USE OF PLURIPOTENT STEM CELLS WITHOUT HARMING EMBRYOS.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) HUMAN EMBRYO.—The term 'human embryo' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of the Respect for Life Pluripotent Stem Cell Act of 2005, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

''(2) PLURIPOTENT STEM CELL.—The term 'pluripotent stem cell' means a cell that can in principle be differentiated to produce all or almost all the cell types of the human body, and therefore has the same functional capacity as an embryonic stem cell, regardless of whether it has the same origin.

''(b) IN GENERAL.—With respect to producing stem cell lines for important biomedical research, the Director of NIH shall, through the appropriate national research institutes, provide for the conduct and support of basic and applied research in isolating, deriving and using pluripotent stem cells without creating or harming human embryos. Such research may include—

''(1) research in animals to develop and test techniques for deriving cells from embryos without doing harm to those embryos;

''(2) research to develop and test techniques for producing human pluripotent stem cells without creating or making use of embryos; and

''(3) research to isolate, develop and test pluripotent stem cells from postnatal tissues, umbilical cord blood, and placenta.

''(c) PROHIBITIONS REGARDING HARM TO HUMAN EMBRYOS.—Research under subsection (b) may not include any research that—

''(1) involves the use of human embryos; or

''(2) involves the use of stem cells not otherwise eligible for funding by the National Institutes of Health; or

''(3) involves the use of any stem cell to create or to attempt to create a human embryo, or

''(4) poses a significant risk of creating a human embryo by any means.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 in fiscal year 2006, and such sums as may be necessary for each of the fiscal years 2007 through 2010. Such authorization is in addition to other authorizations of appropriations that are available for such purpose.''.

Mr. BARTLETT. Madam Speaker, the gentleman from Georgia (Mr. GINGREY) has joined us. I would like to yield to him before I go through the history of how we got to this bill and the people we talked to

and exactly what is in the bill. I thank the gentleman for joining us.

Mr. GINGREY. I certainly thank the gentleman from Maryland for yielding. It is indeed a pleasure to again be with him tonight, Madam Speaker. Any opportunity that I have as an original cosponsor of the gentleman from Maryland's legislation, H.R. 3144, is an opportunity that I gladly accept no matter what the hour. The importance of this issue really cannot be overstated.

I know the gentleman from Maryland as he started this Special Order hour discussed the fact that of the so-called throwaway embryos, throwaway babies as we see it in these in vitro fertilization clinics that exist across this country, I think somebody estimated there were 400,000 of them and that in some instances couples who had gone through in vitro fertilization and completed their families truly would have some extra embryos that they at least at a certain point in time had no intention of having reimplanted. So for the time being, maybe they were excess embryos.

But those of us who feel very strongly about the sanctity of life truly believe that there is no such thing as an excess human life at either extreme, the very youngest embryonic stage or the very oldest, many of whom I would be referring to, our octogenarians and older who might be in a nursing home suffering from Alzheimer's disease at the final stages of their lives, but all of these lives are extremely important; and as the gentleman from Maryland pointed out, there are actually 100 or close to 100 little babies, up to 6, 8 months old now who were referred to as the snowflake babies. They actually were donated to couples who were barren, infertile, from these couples who had completed their family and had these excess embryos frozen that they were not going to use.

We have seen them. I think the gentleman from Maryland (Mr. BARTLETT) had a lot to do with bringing, along with the gentleman from Pennsylvania (Mr. PITTS), these little children to the House, to the Congress, and indeed to the White House during the week that we were debating the bill brought to us by the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE).

As the gentleman from Maryland points out, there are a lot more of those little lives that are still on ice, if you will; and the gentleman from Maryland is so right in pointing out that, hey, maybe one of those would be an Einstein one of these days, the next Einstein. Some of my colleagues say, well, just 100 out of 400,000, that is not very many. Indeed, it is a fourth of this body, Madam Speaker, almost a fourth of 435 Members of the House of Representatives. There may be some real smart ones remaining on ice that possibly could end up being United States Senators. More importantly, of course, it could be the next Pope John II or Pope John III or Martin Luther King, Jr. or Abraham Lincoln. Who is to say what we are talking about as a throwaway life? I am just so grateful for the gentleman from Maryland for bringing us a bill, H.R. 3144, which avoids this issue of destroying human life for the purpose of obtaining embryonic stem cells.

I do not think, Madam Speaker, that we will ever get to the point in this Chamber, as much as I, and I am sure the gentleman from Maryland is of the same mind-set, of wanting to do things in a bipartisan fashion with our colleagues on both sides of the aisle, this issue, this pro-life/pro-choice issue. The country is probably pretty evenly divided. This body is probably evenly divided.

But the point is we do not have to get into a knockdown, drag-out, hair-pulling, fingernail-scratching bloodbath over this issue. That is what the gentleman from Maryland is bringing to us, an opportunity to support a bill that does not lead us down that road where there seems like there will never be a meeting of the minds. This opportunity, basically, as he is pointing out with his posters in regard to the ability, with some research, to be able to obtain embryonic stem cells without destroying human life, without destroying the embryo, I have heard him refer to this almost like an embryonic biopsy.

As I understand the bill, it is an opportunity to encourage, with the President's blessing, increased funding through the NIH for research on nonhuman primates to make sure that this biopsy, actually it has already been done in genetic counseling studies on couples who have a really strong family history of inheritable diseases, something like hemophilia or Duchenne's muscular dystrophy where maybe if it is an adult child, it has a 50 percent chance of having one of these life-threatening, eventually fatal diseases. We are already doing testing on those embryos to make sure that it would be safe to put them back into the mother's womb to grow and develop and become a full-term fetus and there has been no harm in those instances.

This is not wild-eyed science, something that is Star Wars mentality. Not at all. We are talking about one of the brightest Members of this body, a Ph.D. physiologist, a doctor of physiology who has taught in medical school.

Madam Speaker, when I was in medical school, it was my instructor who taught me physiology, the functioning of the human body in a healthy situation, whether we are talking about the heart, the lungs, or any organ system of the body. That is the study of physiology. That is who we are talking about when we reference this Member, the gentleman from Maryland, who is bringing us this bill. He knows of what he speaks. He has taught not only physiology but also embryology.

I know my colleagues as they listen to his presentation tonight and they look at the material, the visual aides that he has with him, it is clear that his understanding, his depth of knowledge is far beyond maybe what even the physician Members of this body have. So it is with a deep amount of respect for him that I have signed on to this bill. I am fully supportive of it. It gives us an opportunity to address this issue of trying to find a way with stem cells, whether they are adult or embryonic; and I tend to agree with the gentleman from Maryland that embryonic stem cells probably do have a little more potential, although we have had great success in adult stem cells and a lot of these diseases that our colleagues have talked about and we have seen public service advertisements, famous people, actors, former politicians, a former first lady, families of those suffering from diabetes, spinal cord injury, degenerative disease, Parkinsonism, Alzheimer's. These things really tear at your heartstrings.

There is no argument, I do not think, in this body, in a partisan way about wanting to help and wanting to use science to the best of our ability to look for a cure. There is not a guarantee. There is absolutely no guarantee. There are probably lots of complications, false starts, two steps back for one step forward. There will be lots of money, Federal dollars probably being spent on research. But the point is the President in August of 2001 was absolutely right, in my humble opinion, in regard to his decision to put a moratorium on the harvesting of stem cells, embryonic stem cells that would result in the destruction of human life. At that point, there were some 60 cell lines already in existence that our university research scientists at NIH and other places were using. The President said, that is perfectly okay to continue.

□ 2145

Those lives have already been destroyed in obtaining those stem cell lines. Good research was occurring. The President, this President, George W. Bush, is the very first President that, in fact, allowed Federal funding for research on embryonic stem cells. So those who criticize or suggest, Madam Speaker, that this President is insensitive and uncaring, I suggest to my colleagues that this President is the most caring that we have ever had in regard to this issue. He has done more than any other President. He does not deserve to be criticized, but rather applauded for his efforts in this regard.

And I think he is steadfast in his determination not to destroy human life because, as the gentleman from Maryland has pointed out and as I just said, we do not know those so-called extra embryos, those throwaway embryos. We do not know what those lives entail. We do know that they have a very unique, full complement of DNA that have all of their genetic material they are going to ever have. They are the

tiniest of human life, little tiny babies. We call them embryos, but they are little tiny embryos whose lives are frozen and suspended. But they should have that opportunity.

And even the couples who think, Madam Speaker, that they would never use those embryos, we have witnessed tragedies every day in the news, this 24-hour cable news that we are subjected to, but we read about children that are kidnapped, abused, murdered, the situation in Aruba, the situation in Nebraska. We can just name so many where people think that their family is complete and they have got all they want out of their reproductive life, and all of a sudden, as the old country song goes, ''some days are diamonds and some days are stones,'' all of a sudden we have a few days that are stones and there might be a tragic loss of a child or more than one child, and all of a sudden maybe those frozen embryos do not seem so expendable anymore.

So that is why this issue is so important and why I feel so very passionate, not just myself and the author of this bill, the gentleman from Maryland (Mr. BARTLETT), but a number of others who have signed on to this bill. The White House, I think, is very supportive of this. There is a companion piece of legislation, as I understand; it originating in the other body. We are on to something here.

And again it is a pleasure to join my colleague tonight and share these thoughts, try to maybe enlighten my colleagues on both sides of the aisle, Madam Speaker; and I do thank the gentleman for giving me an opportunity to be with him to discuss such an important issue. And I will be glad to stick around for a little while if we want to get into a colloquy later on, but I thank him for giving me this opportunity.

Mr. BARTLETT of Maryland. Madam Speaker, reclaiming my time, I want to thank my colleague very much for his comments. He is very generous. I did not come to the Congress, and that was 13 years ago, until I was 66 years old; and I am very fortunate to have some prior life experiences that have permitted me to understand some opportunities here in the Congress that might not have been so obvious to others who did not have this background.

After the President came down with his executive order, I continued to meet with the folks at NIH, and I subsequently learned, by the way, I need to come back to that problem with Karl Rove and his discussion with the NIH people, and this was a typical example of failed communications. And so often we think that we are carrying on a dialogue and we are really carrying on simultaneous monologues.

However it happened, what the NIH people were telling Karl Rove was that they were not sure that they could make a stem cell line from an embryo that early. That is true. That is why in our bill we advocate animal model research rather than beginning with humans. But there is no reason we should not be able to do that.

Now, as a matter of fact, a Russian scientist working in this country, Verlinsky, says he has, in fact, done that. I have met a number of times with people from NIH. On July 20 of last year, for instance, we had an extended meeting in my office with representatives from NIH, with representatives from Health and Human Services, and with representatives from the White House.

And then, Madam Speaker, a very interesting thing happened while we were having this series of meetings with the NIH and HHS and the White House and with the outside groups. There appeared in the literature a paper, a very interesting paper, on preimplantation genetic diagnosis. And what these medical people were doing, and this was in England, the first paper came from a clinic in England, what they were doing was going into the eight-cell stage and taking a cell or two out to do a preimplantation genetic diagnosis to see if the baby would have a genetic defect. And if there was no genetic defect, they implanted the remaining seven cells, sometimes six cells. And more than 600 times that went on to produce a perfectly normal baby. That is now being done in this country just outside Washington, in Virginia. A few weeks ago I spent probably a half hour or more on the phone with two of the medical scientists there who were involved in this research.

There is one potential ethical problem here, although the President's Council on Bioethics thinks it is not a problem. I would like to avoid, Madam Speaker, even the possibility of a problem. And that problem is that the cell that we take from that embryo might, under the right circumstances, become an embryo itself. The members of the President's, and I have the white paper here I am going to refer to in just a moment, Council on Bioethics think that that is not feasible. But, Madam Speaker, if we were to wait just a little later to take the cell to the inner cell mass, and I probably ought to put that chart of the uterus back up here so that I can point to what I am referring to here, in the laboratory they are going at the eight-cell stage and taking a cell or two out and doing a preimplantation genetic diagnosis.

If there is no genetic defect, they implant the remaining cells, and more than 1,000 times worldwide now, they have had a normal baby born. The argument is that that cell they take out under the right circumstances is pluripotent, totipotent at that stage probably, and could produce another embryo. To avoid that, if we just wait until the inner cell mass stage, which is the stage from which the embryonic stem cell lines are now developed when they destroy the embryo, there is no reason they cannot go into this inner cell mass and through the trophoblast and they could take out several cells then because there are a lot of cells there.

By that time we already have some differentiation. The cells in the inner cell mass are going to produce the baby. The three germ layers that we talked about at the very beginning and the cells in the trophoblast are going to produce the decidua. The decidua is the amnion and chorion, the tissues that support the baby, and we can see those starting to develop down here in day 8 and 9 when the embryo has attached itself to the wall of the uterus and the uterus grows and produces some tissues and there is a growth of this decidua here and we have the placenta, these big opposing vascular bags through which food and oxygen and CO_2 and hormones and so forth are exchanged between the baby and the mother.

By the way, Madam Speaker, this is a pretty hazardous journey; and we do not know the exact percentage, but maybe less than half of all of the ova here that get fertilized actually implant in the uterus. As a matter of fact, one of the techniques for preventing conception is an IUD. They simply place a foreign object here in the uterus, and the uterus reacts to the presence of that foreign by not permitting the fertilized egg, the embryo, to implant there.

Mr. GINGREY. Madam Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Georgia.

Mr. GINGREY. Madam Speaker, I wanted to mention to the gentleman that as an OB/GYN physician, of course I have had some experience with some of the processes that can occur in reproductive endocrine laboratories and the technique dealing with infertile couples, and I have had a discussion with the gentleman from Maryland about this. But in a situation where the couple is infertile and it is because of male infertility, there is nothing wrong with the egg, but there is a very, very low sperm count in the male, and normally it takes probably 1,000 sperm to successfully fertilize an egg in the natural way.

In fact, the normal sperm count in a male is about 60 million. But even a sperm count as low as 1,000, pregnancy can occur in the normal, natural way. But when it gets much lower than that, it becomes less and less possible. But they have a technique. And there is an acronym, Madam Speaker. There is an acronym for everything, it seems, even though this is not in the military. That acronym is ICSI. It stands for intracytoplasmic sperm injection, ICSI. And these biologists working with reproductive endocrinologists, medical doctors who specialize in infertility, can literally take a single sperm and with a needle inject that sperm into the egg and create a life, and that has been done many times, and not just at the NIH, but in a lot of these infertility clinics across this great country, in my State of Georgia. It is something that is done routinely.

So what the gentleman from Maryland (Mr. BARTLETT) is talking about

in this poster presentation in regard to waiting to just the right point for these scientists to be able to develop a technique to obtain embryonic stem cells without destroying that embryo and beyond the point where that single cell itself would be an embryo, he knows of what he speaks. And I wanted to have an opportunity to share that, Madam Speaker, with our colleagues and make sure they understand that here again we are not talking about Star Wars technology here. We are talking about things that are being done today.

Mr. BARTLETT of Maryland. Madam Speaker, reclaiming my time, I thank the gentleman very much for that contribution.

While we are carrying on these discussions with the White House and NIH and HHS and with the outside groups, the President's Council on Bioethics submits a white paper; and in this white paper they go over four potential techniques that might produce pluripotent stem cells, which is another way of saying the equivalent of embryonic stem cells, without destroying or harming an embryo. And what our bill does, Madam Speaker, is simply ask NIH to please explore these potentials, first of all, in animal models; and the bill gives them $15 million to begin this exploration.

I just wanted to spend just a moment talking about the four things that are in here because it may be of interest to a number of people. The first is called pluripotent stem cells derived from organismically dead embryos. Well, this says that all these embryos I had mentioned earlier, all these embryos will not live. And when an embryo is moribund, it is not going to divide anymore, then it is the equivalent of a brain dead person and there should be no problem taking cells from it like they would take organs from a brain dead person.

One might have a little question about the vitality of the cell they take from that embryo, but at least ethically if the embryo is dead or moribund, the equivalent of a brain dead person, they could take an embryo from it. The second procedure, and the next chart shows a little clip from that, is one in which, down at the bottom here, it says ''a similar idea was proposed by Representative ROSCOE BARTLETT.'' This was my recommendation in 2001. And this simply says they go into an early embryo, as I have mentioned, and take out a cell without hurting the embryo because mother nature or God, whoever people think makes identical twins, has been doing this for a very long time.

Our bill simply asks the NIH to do this in animal models to make sure that it is safe and efficacious.

A third technique is called pluripotent stem cells derived from biological artifacts. This is an interesting one. And what the proposal there is that they take an ovum and they take the nucleus out of the ovum and then they take an altered nucleus out of a somatic cell.

□ 2200

You alter the nucleus so that you have turned off some of the genes, and then you put that nucleus inside the egg. Now, why would you do that? Because in the cytoplasm of the egg outside the nucleus of the egg, there are some factors which turn on and turn off genes and kind of control what happens inside the nucleus. So now they have turned off some genes so this thing will divide; that will never be a baby because they have kind of messed up the genetics. Well, if they can never be a baby, then maybe ethically you can take stem cells from it, and this is something that really needs to be explored.

These several techniques are all open for investigation. Oh, the fourth one of these is pluripotent stem cells by differentiation. I mentioned the differentiation of cells. That is when they decide that they are going to be just this or that, and all the cells they produce after that are just that kind of cell. Now, sometimes, you can take a cell and kind of put it in an environment where you have confused it, you have shocked it, you have done something to it, so it forgets what it was supposed to be, and it starts making cells, tissues that it would not ordinarily make in that stage of differentiation. So what our bill does is to permit the research, particularly on two of these, the nucleus transfer and the taking of cells from the early blastomere.

Our bill has received input from the White House, from the Conference of Catholic Bishops, from Right the Life communities, so there is a broad spectrum of individuals and organizations out there that are supportive of what we are doing.

In the few moments left, Madam Speaker, I would like to note that there have been a plethora of articles very recently about this, and I would like to submit these for the RECORD. They are not very long, and I will insert them into the RECORD. Here is National Geographic, July 2005. Stem cells, a big article, very good article on stem cells there. Here is a letter of May of this year from Dr. Battey who is the chief spokesman for stem cell research at the National Institutes of Health who is quite supportive of our bill and what we propose to do, and here is a very interesting op-ed piece written by Richard Doerflinger who represents the Catholic Bishops.

By the way, I need to give credit where credit is due. It was Richard Doerflinger who made the great suggestion that the first thing you do with that cell you take from the early embryo is to create a repair kit so that all during the life of that person, they will have frozen the ability to produce a new liver if they need it, islets of Langerhans, spinal cord cells, whatever they need. There is a great op-ed piece by Richard Doerflinger who explains his support for our bill. He says, Representative BARTLETT and his colleagues are helping to demonstrate what has always been true: science and ethics were meant to be allies, not enemies, and this is certainly true.

Tuesday, July 12, Associated Press, Lawmakers Wary of Backup Stem Cell Bill. For those who would like to see just the Castle-DeGette bill passed, our bill, and the President, by the way, says that if that other bill gets to his desk, he will veto it. For those of us who believe that we really ought to research stem cells, we really look forward to a bill which the President can support.

Stem Cell Legislation is At Risk, July 9, Washington Post. GOP Probes Nondestructive Cell Research, Washington AP, June 29. And then just today, in Congressional Quarterly, Congress Considers Numerous Stem Cell Bills. It mentions our bill in the House, and that BILL FRIST is expected to draft a related bill in the Senate.

I am very pleased, Madam Speaker, that my background has permitted me to understand some of the potential here, my experience with my grandmother, with these little diabetic kids, my profound pro-life commitment. I am very pleased that I was able to propose a potential solution that I think meets the morals and the demands of both sides of this issue.

Madam Speaker, I ask unanimous consent to insert the following articles:

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Bethesda, Maryland, May 23, 2005.

Hon. ROSCOE G. BARTLETT,
House of Representatives,
Washington, DC.

DEAR MR. BARTLETT: I am pleased that Drs. Allen Spiegel and Story Landis were able to meet with you, Mr. Otis and Mr. Aitken during your visit to the National Institutes of Health (NIH) last month to discuss ways to derive human embryonic stem cells (hESCs). Drs. Spiegel and Landis were serving as Acting Co-Chairs of the NIH Stem Cell Task Force during my leave of absence from this position. Earlier this month, I returned to chair the Task Force. NIH shares your enthusiasm on the therapeutic potentials of hESC research and thank you for your continued support of this field.

Drs. Spiegel and Landis briefed me about your April 26th meeting. I am also aware that you have had previous meetings with NIH officials, including myself, Lana Skirboll and Richard Tasca, on this topic. You propose the possibility of using a cell (or two) removed from the 8-cell stage human embryo undergoing preimplantation genetic diagnosis (PGD) to: (1) create a ''personal repair kit'' made up of cells removed from the embryo and stored for future use; and (2) for deriving human embryonic stem cell lines.

You suggested that creating hESC lines in this manner would avoid ethical questions surrounding the fate of a human embryo. Live births resulting from embryos which undergo PGD and are subsequently implanted seem to suggest that this procedure does not harm the embryo, however, there are some reports that a percentage of embryos do not survive this procedure. In addition, long-term studies would be needed to determine whether this procedure produces subtle or later-developing injury to children

born following PGD. Also, it is not known if the single cell removed from the 8-cell stage human embryo has the capacity to become an embryo if cultured in the appropriate environment.

NIH is not aware of any published scientific data that has confirmed the establishment of hESC lines from a single cell removed from an 8-cell stage embryo. We are aware of the published research of Dr. Yury Verlinsky in the Reproductive Genetics Institute in Chicago that showed that a hESC line can be derived by culturing a human morula-staged embryo (Reproductive BioMedicine Online, 2004 Vo. 9, No. 6, 623–629, Verlinsky, Strelchenko, et al). It is also worth noting, however, that in these experiments, the entire morula was plated and used to derive the hESC lines. The human morula is generally composed of 10–30 cells and is the stage that immediately precedes the formation of the blastocyst.

At the April 26th meeting, NIH agreed that such experiments might be pursued in animals, including non-human primates. That is, animal experiments could be conducted to determine whether it is possible to derive hESCs from a single cell of the 8–cell or morula stage embryo. To date, to the best of our knowledge no such derivations have been successful. NIH also does not know whether these experiments have been tried and failed in animals and/or humans and, therefore, have not been reported in the literature. NIH agreed to explore whether there have been any attempts to use single cells from the 8–cell or morula stage of an animal embryo to start embryonic stem cell lines by consulting with scientists that are currently conducting embryo research. From these discussions, these scientists believe it is worth attempting experiments using a single cell from an early stage embryo or cells from a morula of a non-human primate to establish an embryonic stem cell line.

Of note, a recent 2003 paper from Canada shows that when single human blastomeres are cultured from early cleavage stage embryos, before the morula stage, that there is an increased incidence of chromosomal abnormalities. Even with hESCs derived from the inner cell mass of the human blastocyst, the odds of starting a hESC line from a single cell are long, perhaps one in 20 tries. Thus, the odds of being able to start with a single cell from an 8-celled or morula staged embryo are equally challenging. This would make it difficult to accomplish the goal of establishing ''repair kits'' and hESC lines from any single PGD embryo. (Fertil Steril, 2003 June, 79(6):1304–11, Bielanska, et al). It is possible, however, that improvements in technologies for deriving and culturing hESCs may improve these odds.

NIH concludes that the possibility of establishing a stem cell line from an 8–cell or morula stage embryo can only be determined with additional research. NIH would welcome receiving an investigator-initiated grant application on this topic using animal embryos. The Human Embryo Research Ban would preclude the use of funds appropriated under the Labor/HHS Appropriations Act for pursuing this research with human embryos. As with all grant applications, the proposal must be deemed meritorious for funding by peer review and then will be awarded research funds if sufficient funds are available. It also bears keeping in mind that it may take years to determine the answer.

At the April 26th meeting, you had mentioned that twins can develop when the inner cell mass splits in the blastocyst and forms two embryos enclosed in a common trophoblast. You asked if cells from the inner cell mass could be safely removed without harming the embryo. In animal studies, it has been shown that the blastocyst can be pierced to remove cells of the inner cell mass and the embryo appears to retain its original form but it is not known whether the embryo will result in the birth of a healthy baby. Since this experiment in human embryos at either the morula or the blastocyst stage would require evaluations of not only normal birth but also unknown long term risks to the person even into adulthood, it would have to be considered a very high risk and ethically questionable endeavor. Because of the risk of harm, this research would also be ineligible for Federal funding.

You had also asked NIH about the latest stage in development that an embryo can be artificially implanted into the womb. We know that infertility clinics transfer embryos at the blastocyst stage (approximately Day 5 in human embryo development) as well as at earlier stages.

Finally, I am providing an additional resource that was discussed at the April meeting. I have enclosed a copy of a recently released white paper developed by the President's Council on Bioethics (PCB) on Alternative Sources of Human Pluripotent Stem Cells. In this white paper, the PCB raised many ethical, scientific and practical concerns about alternate sources for deriving human pluripotent stem cells without harming the embryo. Your proposal is specifically discussed in this report.

I hope this information is helpful.

Sincerely,

JAMES F. BATTEY, Jr., M.D., Ph.D.,
Chairman, NIH Stem Cell Task Force and Director, National Institute on Deafness and Other Communication Disorders.

[From the News Observer, June 29, 2005]

GOP PROBES NON-DESTRUCTIVE CELL RESEARCH

(By Laurie Kellman)

WASHINGTON (AP).—Embryonic stem cell research that doesn't destroy budding human life? Right now, it's possible only in theory, or on animals. But those alternatives to the most promising stem cell science are enough to win the attention of anti-abortion Republicans and President Bush.

Senate Majority Leader Bill Frist and other GOP lawmakers are considering legislation drawn from a report in May by Bush's Council on Bioethics, which studied research that might carry medical promise but is in its infancy.

In some cases, the research is ethically objectionable, the panel wrote. Nonetheless, it said four types of studies ''deserve the nation's careful and serious consideration.''

Bush was receptive to funding the theoretical approaches rather than medically more promising research that destroys embryo, three lawmakers who have discussed the subject with him told The Associated Press.

''There was a sense around the table that if we could discover a way to extract the stem cells without destroying the embryo, that that was something that nearly everyone could support,'' said Representative David Dreier, R-Calif., who discussed the option with Bush at a White House meeting earlier this month. ''The president was very enthusiastic about that. He clearly supported it.''

Another possible compromise, being drafted by Representative Roscoe Bartlett, R–MD., a biological engineer, would send $15 million to the National Institutes of Health for stem cell research on animal embryos, according to a draft obtained by the AP.

''Congressman Bartlett sought and received technical assistance from the administration to ensure that the bill that he is working on would be consistent with the president's principles and goals,'' said Lisa Wright, Bartlett's spokeswoman.

Bush has repeatedly said he would veto a bill the House passed last month backing standard embryonic stem cell research and any similar version by the Senate, which is expected to turn to the issue in July.

''We'll probably consider a number of bills,'' Frist told the AP.

Senator Rick Santorum, R–Pa., who also attended the meeting with Bush, said he may try to amend one of Congress' must-pass spending bills to provide federal money for specific studies outlined in the bioethics council's report.

Senator Gordon Smith, R–Ore., said that in his own talk with Bush, he found the president ''looking for a way to stay within his ethical boundaries.''

Almost two-thirds of Americans say they support embryonic stem cell research and a majority of people say they would like to see fewer restrictions on taxpayer funding for those studies, according to recent polling.

The proposal may free senators from a tight spot between Bush's veto threat and public pressure for embryonic stem cell research, which has shown promise in the search for cures for Parkinson's, Alzheimer's and other diseases.

But it also would spend millions of dollars on studies whose value is speculative. Some of the techniques have not even been attempted in animals.

Frist, who is a heart and lung transplant surgeon, told the AP at least three of the processes on the bioethics council's list met his criteria for funding embryonic stem cell research.

''All of the research you have there stops short of the creation of an embryo for experimental purposes, and short of destruction of an embryo for experimental purposes,'' he said. ''That is the direction I think we should explore.''

Those are the same boundaries set out by Bush, who in a 2001 executive order prohibited federal funding of any research using human embryonic stem cells harvested after Aug. 9 of that year.

Senator Tom Harkin, D–Iowa, a chief supporter of traditional embryonic stem cell research, shrugged at the notion of an alternative.

''Most of these ideas are nothing but theories. They haven't been tested,'' he said Wednesday.

The processes studied by the council could theoretically develop embryonic stem cell lines—which can develop into any cell in the body—without harming the embryo. They would:

—Derive stem cells from technically dead embryos. When embryos frozen during invitro fertilization are thawed, some never resume dividing and thus are discarded. No one knows whether scientists could find healthy stem cells inside an embryo already so damaged that it wouldn't grow, or coax them to live when transferred out of that embryo.

—Extract stem cells from two-day-old embryos using a non-lethal biopsy technique. Until now, most stem cells have been culled from embryos that contain 100 or so cells. However, in vitro fertilization clinics frequently extract one cell, called a blastomere, from a younger, eight-celled embryo to perform genetic testing—to tell, for instance, whether some embryos will have a disease like cystic fibrosis. This testing doesn't destroy the embryo, so women can choose to have only healthy ones implanted. According to one report, more than 1,000 healthy children have been born after blastomere testing. The questions are whether enough stem

cells could be culled from a single blastomere to be worthwhile, and which embryos would be used.

—Develop stem cells derived from specially engineered tissue. One such technique is called ''altered nuclear transfer,'' essentially cloning in a way that grows only tissue, not an actual embryo. This process hasn't been attempted yet.

—Turning back the clock on older cells so they again become ''pluripotent,'' the scientific term for the ability to turn into any tissue. Scientists already are trying to do this to some degree through ''adult stem cell'' research, such as turning blood-making cells into cells that produce liver or muscle tissues. It's not clear whether older cells can be returned to an embryonic state.

[From the Guardian, July 12, 2005]

LAWMAKERS WARY OF BACKUP STEM CELL BILL

(By Laurie Kellman)

WASHINGTON (AP).—President Bush and his conservative Senate allies are trying to peel votes from a stem cell bill by offering alternative legislation that would instead fund promising but unproven studies, several senators said Tuesday.

''I'm all for these alternative sources, (but) not as a substitute, not as some way of stopping what we're about to do,'' said Tom Harkin, D–Iowa, Senate sponsor of a bill already passed by the House that would end Bush's 2001 ban on federal funding for new human embryonic stem cell studies.

Several scientists testifying Tuesday before the Labor, Health and Human Services Appropriations subcommittee agreed that Harkin's bill, cosponsored by panel Chairman Arlen Specter, R–Pa., should be passed before even their own research receives federal funding.

''It's a no-brainer,'' said Robert Lanza, one of the scientists working on a process by which embryonic stem cells are derived without destroying life. ''I do not think we should keep the scientific community or the patient community waiting.''

Another scientist at the table, William B. Hurlbut of Stanford University, said vital science that could someday lead to cures of diseases like Alzheimer's and Parkinson's must have the engine of public consensus behind it.

A member of the President's Council on Bioethics, Hurlbut noted that large sections of the public believe human embryonic stem cell research is immoral because it destroys the embryo, which many, including Bush and some congressional conservatives, consider a budding human life. Government, he said, should set ''a coherent moral platform to guide our science.''

But staring down a self-imposed Aug. 1 deadline for voting on the legislation, Senate negotiators were no closer Tuesday to agreeing on a list of bills to debate on the Senate floor. Still swirling were talks over a six-bill package of legislation, including the Harkin-Specter measure, and others that would fund alternative methods or ban certain stem cell and cloning techniques altogether.

Specter, a cancer patient also helming the fight over Supreme Court nominations, said he was growing impatient with the delay and made clear that his bill is the first priority.

''If we can pass the House bill, Specter-Harkin, that is the most important bill to be enacted,'' Specter said as he gaveled open the Labor, Health and Human Services subcommittee hearing.

Testifying were James Battey, chairman of the National Institutes of Health Stem Cell Task Force, and Lanza, who has done research into deriving stem cells from a single animal cell without destroying the embryo.

The House approved the Harkin-Specter bill, 238–194, on May 24. That is far less than the two-thirds support that would be needed to override a veto Bush has threatened, and it was unclear that either house of Congress had the two-thirds vote necessary to override a veto.

The bill numbers are H.R. 810 and S. 471.

[From the Life Issues Forum, June 30, 2005]

STEM CELLS WITHOUT EMBRYOS?

(By Richard M. Doerflinger)

The battle lines of the stem cell debate have become familiar.

In one corner we have embryonic stem cells, obtained by destroying one-week-old human embryos. The cells are ''pluripotent,'' capable of producing all the 210 cell types in the human body. In the other corner are stem cells obtained harmlessly from adult tissues, umbilical cord blood and placentas. These pose no ethical problem, but supposedly are more limited.

Herein lies the alleged tension between science and ethics. We can cure devastating diseases, or respect embryonic human life, but not both.

That dichotomy has always been misleading. Embryonic stem cells are far from curing any disease, while adult and umbilical cord blood stem cells have helped many thousands of patients. Yet scientists still claim that cells obtained by destroying early human life have special advantages that cannot be duplicated.

This claim is about to be tested.

Just before Congress's July 4 recess, Representative Roscoe Bartlett (R–MD) introduced the ''Respect for Life Pluripotent Stem Cell Act.'' It instructs the National Institutes of Health to fund research in obtaining ''pluripotent'' stem cells without creating or harming human embryos.

Mr. Bartlett knows whereof he speaks. He holds a Ph.D. in physiology, and bases his proposal on a report by the President's Council on Bioethics and the latest research findings.

His bill outlines two ways to get pluripotent stem cells without harming embryos. One is to remove the cells from embryos without harming or destroying them. The bill would fund such efforts in animal embryos, to see if this can be safe enough to consider doing in humans.

The other approach would produce embryo-like stem cells without creating embryos at all. A dozen studies now indicate that umbilical cord blood and adult tissues contain stem cells that may be as versatile as embryonic stem cells. In addition, cutting-edge research suggests that adult cells can be ''reprogrammed'' in several ways into pluripotent stem cells.

One avenue is dubbed ''ANT–OAR''—altered nuclear transfer by oocyte assisted reprogramming.

''Nuclear transfer'' is the cloning method that made Dolly the sheep. The nucleus of a body cell is combined with an egg deprived of its own nucleus. Signals in the egg activate a much wider range of genes in that nucleus, so it no longer directs one specialized type of cell but begins the development of a whole new organism. What if the egg and the body cell were altered in advance so that, from the beginning, the result is not a one-celled embryo, but a pluripotent stem cell like those now obtained by destroying embryos?

There are good scientific reasons to believe this can be done. And many Catholic scientists and ethicists have declared that it can and should be explored (see www.eppc.org/news/newsid.2375/news_detail.asp).

It would be good news indeed if modern science ends up resolving some moral dilemmas that an irresponsible use of science has created. Representative Bartlett and his colleagues are helping to demonstrate what has always been true: science and ethics were meant to be allies, not enemies.

[From the Washington Post, July 9, 2005]

STEM CELL LEGISLATION IS AT RISK

(By Ceci Connolly and Rick Weiss)

Promising but still unproven new approaches to creating human embryonic stem cells have suddenly jeopardized what once appeared to be certain Senate passage of a bill to loosen President Bush's four-year-old restrictions on human embryo research.

The techniques are enticing to many conservative activists and scientists because they could yield medically valuable human embryonic stem cells without the creation or destruction embryos.

Embryonic stem cells are coveted because they have the capacity to become virtually every kind of body tissue and perhaps repair ailing organs, but they are controversial because days-old human embryos must be destroyed to retrieve them.

''The new science that may involve embryo research but not require destruction of an embryo is tremendously exciting,'' Senate Majority Leader Bill Frist (R-Tenn.) said recently. ''It would get you outside of the boundaries of the ethical constraints.''

But because the value of these new scientific methods remains speculative, they have complicated the political calculus in the highly partisan Senate, which could take up the issue as early as next week.

Proponents of embryonic stem cell research are divided over how strongly to promote the new work because of fears it will undermine efforts to expand federal funding of conventional embryo research, which they say has better odds of success.

But some opponents of embryo research are uncomfortable with the emerging alternatives, too. That is because they involve cells that closely resemble human embryos, raising novel questions about what, exactly, is a human life.

The science poses a strategic dilemma for both groups: Should they support newly circulating legislation that would fund the new methods or try to defeat what some decry as a Trojan horse?

''This is something that could be very valuable if it works, no doubt about it,'' Stanford University stem cell researcher Irving Weissman said of the new work. ''But don't tell me we should stop doing [embryo] research until we find out, because people's lives are at stake.''

In May, the House easily passed bipartisan legislation allowing federally funded scientists to study stem cells derived from some of the thousands of human embryos destined for disposal at fertility clinics—a significant expansion of the Bush policy. Until this week, Senators Arlen Specter (R–Pa.) and Orrin G. Hatch (R–Utah) expressed confidence that they had more than enough votes to pass the same bill in the Senate, despite threats of a presidential veto.

Last week, however, opponents began circulating a competing bill that shifts attention toward the more distant but ethically more palatable new procedures. The House version, sponsored by Representative Roscoe G. Bartlett (R–Md.), was written with assistance from the White House, a Bartlett spokeswoman said.

The administration is eager for Bush to sign legislation supportive of at least some types of stem cell research, according to several lobbyists close to the congressional negotiations. Signing such a bill could take some of the sting out of a veto that is sure to infuriate patient groups and could rile a

majority of Americans, who tell pollsters they back expanded funding of embryonic stem cell research.

During the Fourth of July recess, many Senate Republicans struggled with the question of whether the new legislation should be brought to the floor as a substitute for the House-passed bill or as a competing bill—and if both were to come up, then how to vote on each. At least a handful of senators have hinted in recent days that they may transfer their vote to the new bill, Hill sources said—among them Hatch, Johnny Isakson (R–Ga.) and Kay Bailey Hutchison (R–Tex.).

The issue will get its first formal airings at a Senate subcommittee hearing Tuesday and at a Hill media event on Wednesday at which pro-research celebrities Michael J. Fox and Dana Reeve, widow of ''Superman'' star Christopher Reeve, will call for an immediate loosening of Bush's policy.

Some supporters of the research say they would be happy if both bills passed. But for some of the more ardent advocates of an immediate expansion of the Bush policy, Bartlett's alternative legislation is a diversion.

''Don't stop embryonic stem cell research now, hoping there will be some other way to do it in the future,'' Senator Tom Harkin (D–Iowa) said in an interview. ''These alternative methods of deriving stem cells—we don't know whether they'll work. The one thing we do know how to do is derive embryonic stem cells.''

The new techniques fall into two major categories. In one, a single cell is removed from a days-old embryo created for fertility purposes and coaxed to become a self-replicating colony of stem cells, leaving the remainder of the embryo to develop normally.

The technique shows great promise, according to researchers at Advanced Cell Technology Inc. in Worcester, Mass., who pioneered it. But critics have raised the possibility that individual cells removed from such young embryos may have the biological potential to become embryos themselves, which would mean their destruction or cultivation as colonies could still raise ethical issues.

Bush's Council on Bioethics also expressed concerns recently that such a technique may subtly harm an embryo, even if it does not kill it.

''You may get a human being, but you may not get the same human being,'' said William B. Hurlbut, a Stanford professor and a council member. ''You might find that late in life, there are some strange differences between those people and others.''

Hurlbut is the leading proponent of a different approach, which he calls altered nuclear transfer, or ANT. It involves the creation of an embryo—or what Hurlbut says is something akin to an embryo—that lacks a gene necessary for the development of a placenta. Because a placenta is required for an embryo to implant in a woman's womb, the altered embryo would be genetically incapable of becoming a fetus or a baby. For many, that would obviate ethical concerns about destroying it to get its stem cells.

Researchers have tried the technique in mice with some success, but its usefulness as a source of human stem cells remains hypothetical. Some, such as Weissman, think the difficulties inherent in making such a system work are being overlooked by Hurlbut, who is a physician but not a research scientist.

''I've been telling Bill, 'Why don't you go work in a lab this summer? Why not see how easy or hard it really is?' '' said Weissman. He said he has no problem with the funding of such research as long as it does not interfere with increased funding for existing programs of embryo research.

Practical or not, ANT has gained a quickly widening circle of support. The Roman Catholic archbishop of San Francisco, William J. Levada, has written a letter to Bush assuring the president of his support.

But other conservative leaders have mixed views on whether it makes sense to pursue the new alternative therapies or to focus single-mindedly on defeating any expansion of the current policy.

''I have significant concerns about all the alternatives,'' said David Prentice, senior fellow for life sciences at the Family Research Council, which he said does not yet have a formal position on the science.

Jessica Echard, executive director of the Eagle Forum, the public policy organization founded by Phyllis Schlafly, said her group opposes ''middle ground'' legislation that pursues alternative methods for producing embryonic stem cells.

''Most scientists will say it's never enough,'' she said. ''We will be giving ground to more and more unethical research.''

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today on account of illness.

Mr. CARDIN (at the request of Ms. PELOSI) for today after 4 p.m. and the balance of the week on account of a family emergency.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today and July 11 on account of constituent business in the district.

Mr. OBEY (at the request of Ms. PELOSI) for today on account of attending the funeral of the late Senator Gaylord Nelson.

Mr. EVERETT (at the request of Mr. DELAY) for July 11 on account of being unable to travel due to Hurricane Dennis.

Mr. BACHUS (at the request of Mr. DELAY) for today from 7 p.m. until July 13 at 6 p.m. on account of attending a funeral.

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 Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today and July 13 and 14.

Mr. SAM JOHNSON of Texas, for 5 minutes, July 13.

Mr. CUNNINGHAM, for 5 minutes, July 13.

Mr. HUNTER, for 5 minutes, July 13.

Mr. MCCAUL of Texas, for 5 minutes, July 13.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 1, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 120. To designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the ''Dalip Singh Saund Post Office Building''.

H.R. 289. To designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the Sergeant First Class John Marshall Post Office Building.

H.R. 324. To designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the ''Arthur Stacey Mastrapa Post Office Building''.

H.R. 504. To designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the ''Ray Charles Post Office Building''.

H.R. 627. To designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the ''Linda White-Epps Post Office''.

H.R. 1072. To designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the ''Judge Emilio Vargas Post Office Building''.

H.R. 1082. To designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the ''Francis C. Goodpaster Post Office Building''.

H.R. 1236. To designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the ''Mayor Tony Armstrong Memorial Post Office''.

H.R. 1460. To designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the ''Captain Mark Stubenhofer Post Office Building''.

H.R. 1524. To designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the ''Ed Eilert Post Office Building''.

H.R. 1542. To designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the ''Honorable Judge George N. Leighton Post Office Building''.

H.R. 2326. To designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the ''Floyd Lupton Post Office''.

ADJOURNMENT

Mr. GINGREY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 13, 2005, 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:

2561. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General John W. Handy, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2562. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Admiral Vernon E. Clark, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

2563. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Mark I. Fox, United States Navy, to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2564. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dennis M. McCarthy, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2565. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c); to the Committee on Armed Services.

2566. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2567. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2568. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2569. A letter from the Executive Secretary/Chief of Staff, Bureau for Global Health, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2570. 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.

2571. A letter from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2572. A letter from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2573. A letter from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2574. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2575. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2576. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2577. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2578. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2579. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2580. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2581. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2582. A letter from the Director, Office of Human Capital Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2583. A letter from the Chief Human Capital Officer/Director, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2584. A letter from the Chief Human Capital Officer/Director, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2585. A letter from the Chief Human Capital Officer/Director, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2586. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2587. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2588. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2589. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2590. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2591. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2592. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2593. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2594. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2595. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2596. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2597. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2598. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2599. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2600. A letter from the Deputy Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2601. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2602. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2603. A letter from the Counsel to the Inspector General, General Services Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2604. A letter from the Chairman, National Labor Relations Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2605. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2606. A letter from the Administrator, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2607. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting recommendations for modification of the flood damage reduction project at Centralia, Washington; to the Committee on Transportation and Infrastructure.

2608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric (GE) CF6-80E1 Series Turbofan Engines [Docket No. FAA-2005-21238; Directorate Identifier 2005-NE-12-AD; Amendment 39-14093; AD 2005-10-16] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2004-19538; DIrectorate Identifier 2003-NM-99-AD; Amendment 39-14098; AD 2005-10-21] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, -200C, -300, -400, and -400D Series Airplanes; and Model 747SR Series Airplanes [Docket No. FAA-2004-19796; Directorate Identifier 2004-NM-61-AD; Amendment 39-14095; AD 2005-10-18] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. 2003-NM-214-AD; Amendment 39-14094; AD 2005-10-17] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-300, 747-400, 747-400D, 747SR, and 747SP Series Airplanes [Docket No. FAA-2004-19532; Directorate Identifier 2004-NM-87-AD; Amendment 39-14096; AD 2005-10-19] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 Series Airplanes [Docket No. FAA-2004-19998; Directorate Identifier 2004-NM-224-AD; Amendment 39-14097; AD 2005-10-20] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2614. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company) 250-B17B, -B17C, -B17D, -B17E, -C20, -C20B, -C20F, C20J, -C20S, and -C20W Turboprop and Turboshaft Engines [Docket No. FAA-2004-19648; Directorate Identifier 2004-NE-31-AD; Amendment 39-14090; AD 2005-10-13] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2004-19531; Directorate Identifier 2004-NM-45-AD; Amendment 39-14088; AD 2005-10-11] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Series Airplanes [Docket No. FAA-2005-20625; Directorate Identifier 2003-NM-148-AD; Amendment 39-14092; AD 2005-10-15] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schweizer Aircraft Corporation Model 269C, C-1, and D Helicopters [Docket No. FAA-2005-21217; Directorate Identifier 2005-SW-06-AD; Amendment 39-14089; AD 2005-10-12] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters [Docket No. FAA-2005-20293; Directorate Identifier 2004-SW-34-AD; Amendment 39-14091; AD 2005-10-14] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Series Airplanes [Docket No. FAA-2005-20594; Directorate Identifier 2004-NM-213-AD; Amendment 39-14084; AD 2005-10-07] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2005-20481; Directorate Identifier 2004-NM-183-AD; Amendment 39-14085; AD 2005-10-08] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. FAA-2005-20596; Directorate Identifier 2004-NM-113-AD; Amendment 39-14086; AD 2005-10-09] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2622. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-21204; Directorate Identifier 2005-NM-078-AD; Amendment 39-14087; AD 2005-10-10] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2623. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-400ER, 777-200, and 777-300 Series Airplanes [Docket No. FAA-2005-20026; Directorate Identifier 2004-NM-150-AD; Amendment 39-14040; AD 2005-07-16] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2624. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2004-19762; Directorate Identifier 2004-NM-168-AD; Amendment 39-14038; AD 2005-07-14] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2625. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2005-20222; Directorate Identifier 2004-NM-230-AD; Amendment 39-14041; AD 2005-07-17] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2626. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2004-18997; Directorate Identifier 2004-NM-19-AD; Amendment 39-14036; AD 2005-07-12] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2627. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 and -400ER Series Airplanes [Docket No. FAA-2004-19989; Directorate Identifier 2004-NM-151-AD; Amendment 39-14037; AD 2005-07-13] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2628. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, -500 Series Airplanes [Docket No. FAA-2004-19003; Directorate Identifier 2003-NM-245-AD; Amendment 39-14044; AD 2005-07-19] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2629. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -800, and -900 Series Airplanes [Docket No. FAA-2004-19986; Directorate Identifier 2004-NM-247-AD; Amendment 39-14045; AD 2005-07-20] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

2630. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2004-19761; Directorate Identifier 2003-NM-167-AD; Amendment 39-14039; AD 2005-07-15] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2631. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Series Airplanes [Docket No. FAA-2005-20883; Directorate Identifier 2005-NM-064-AD; Amendment 39-14047; AD 2005-07-22] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2632. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-15F Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA1993SO; and Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes in All-Cargo Configuration, Equipped With a Main-Deck Cargo Door [Docket No. FAA-2004-18561; Directorate Identifier 2004-NM-13-AD; Amendment 39-14042; AD 2005-07-18] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2633. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; the Cessna Aircraft Company Models 208 and 208B Airplanes [Docket. No. FAA-2005-20514; Directorate Identifier 2005-CE-08-AD; Amendment 39-14025; AD 2005-07-01] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2634. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. (formerly TRW Hartzell Propeller) Models HC-B3TN-2, HC-B3TN-3, HC-B3TN-5, HC-B4TN-3, HC-B4TN-5, HC-B4MN-5, and HC-B5MP-3 Turbopropellers [Docket No. 83-ANE-14-AD; Amendment 39-14043; AD 83-08-01R2] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2635. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-8E Series Turbofan Engines [Docket No. 2004-NE-06-AD; Amendment 39-14033; AD 2005-07-09] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2636. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2002, pursuant to Public Law 105–89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

2637. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''June 2005 Report to the Congress: Issues in a Modernized Medicare Program''; jointly to the Committees on Energy and Commerce and 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. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2385. A bill to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; with amendments (Rept. 109–164). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 3100. A bill to authorize measures to determine arms transfers by foreign countries to the People's Republic of China (Rept. 109–165). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHADEGG (for himself and Mr. TOWNS):

H.R. 3204. A bill to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. DEAL of Georgia, Mr. BROWN of Ohio, and Mr. WAXMAN):

H.R. 3205. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHENRY (for himself, Mr. TOWNS, Mr. GILLMOR, Mr. KING of New York, and Mr. SAM JOHNSON of Texas):

H.R. 3206. A bill to amend the Federal Credit Union Act provisions relating to any conversion of a credit union charter to a mutual savings bank or savings association charter, and for other purposes; to the Committee on Financial Services.

By Mr. FITZPATRICK of Pennsylvania:

H.R. 3207. A bill to direct the Administrator of the Small Business Administration to establish a pilot program to make grants to eligible entities for the development of peer learning opportunities for second-stage small business concerns; to the Committee on Small Business.

By Mr. JINDAL (for himself, Mr. WEINER, and Mr. SOUDER):

H.R. 3208. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that the religious status of a private nonprofit facility does not preclude the facility from receiving assistance under the Act; to the Committee on Transportation and Infrastructure.

By Mr. BRADLEY of New Hampshire:

H.R. 3209. A bill to amend title 38, United States Code, to add nasopharyngeal cancer to the statutorily prescribed presumptive diseases associated with exposure to Agent Orange during military service in Vietnam; to the Committee on Veterans' Affairs.

By Mr. BUYER:

H.R. 3210. A bill to extend the temporary suspension of duty on 3-Amino-5-mercapto-1,2,4-triazole; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3211. A bill to extend the temporary suspension of duty on g748-bromo-g748-nitrostyrene; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3212. A bill to the temporary suspension of duty on asulam sodium salt; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3213. A bill to extend the temporary suspension of duty on diiodomethyl-p-tolylsulfone; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3214. A bill to extend the temporary suspension of duty on 2-Propenoic acid, polymer with diethenylbenzene; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3215. A bill to suspend temporarily the duty on ADTP; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3216. A bill to extend the temporary suspension of duty on Benfluralin; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3217. A bill to suspend temporarily the duty on DCBTF; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3218. A bill to suspend temporarily the duty on Noviflumuron; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3219. A bill to reduce temporarily the duty on Cyhalofop; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3220. A bill to suspend temporarily the duty on parachlorobenzotrifluoride; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3221. A bill to suspend temporarily the duty on mixtures of insecticide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3222. A bill to extend the temporary suspension of duty on 2,6-Dichloro aniline; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3223. A bill to suspend temporarily the duty on a certain mixture of fungicide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3224. A bill to suspend temporarily the duty on 1,2-Benzisothiazol-3(2H)-one (9CI); to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3225. A bill to extend the temporary suspension of duty on 3, 4-Dichlorobenzonitrile; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3226. A bill to suspend temporarily the duty on Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6CI) beads with low ash; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3227. A bill to suspend temporarily the duty on 1,2-Benzisothiazol-3(2H)-one (9CI); to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3228. A bill to extend the temporary suspension of duty on DEPCT; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3229. A bill to reduce temporarily the duty on trifluralin; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3230. A bill to extend the temporary suspension of duty on 1,2-Benzenedicarboxaldehyde; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3231. A bill to extend the temporary suspension of duty on DMDS; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3232. A bill to suspend temporarily the duty on mixtures of fungicide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3233. A bill to extend the suspension of duty on trifluralin; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3234. A bill to extend the temporary suspension of duty on 1,3-Dimethyl-2-imidazolidinone; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3235. A bill to suspend temporarily the duty on 2-Methyl-4-chlorophenoxyacetic acid; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3236. A bill to reduce temporarily the duty on certain mixtures of florasulam; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3237. A bill to suspend temporarily the duty on 2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3238. A bill to extend the temporary suspension of duty on isoxaben; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3239. A bill to extend the temporary suspension of duty on halofenozide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3240. A bill to extend the temporary suspension of duty on methoxyfenozide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3241. A bill to reduce temporarily the duty on myclobutanil; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3242. A bill to extend the temporary suspension of duty on propanil; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3243. A bill to extend the temporary suspension of duty on propiconazole; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3244. A bill to extend the temporary suspension of duty on quinoline; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3245. A bill to reduce temporarily the duty on fluoroxypyr; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3246. A bill to extend the temporary suspension of duty on tebufenozide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3247. A bill to extend the temporary suspension of duty on mixed isomers of 1,3-dichloropropene; to the Committee on Ways and Means.

By Mr. FERGUSON (for himself, Mr. LANGEVIN, Mr. TERRY, Mr. NORWOOD, Mrs. WILSON of New Mexico, and Mr. BROWN of Ohio):

H.R. 3248. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODE:

H.R. 3249. A bill to amend title II of the Social Security Act to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mr. GORDON (for himself, Mr. UDALL of Colorado, Mr. AL GREEN of Texas, Mr. MILLER of North Carolina, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HOOLEY, Mr. HONDA, Mr. DAVIS of Tennessee, Ms. JACKSON-LEE of Texas, Mr. BAIRD, Mr. MATHESON, Mr. COSTA, Mr. MOORE of Kansas, Mr. CARNAHAN, Mr. MELANCON, Mr. SHERMAN, Mr. WU, Mr. LIPINSKI, and Ms. WOOLSEY):

H.R. 3250. A bill to authorize appropriation for the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science.

By Ms. HARRIS (for herself, Mr. MACK, Mr. MILLER of Florida, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FOLEY, Mr. KELLER, Ms. ROS-LEHTINEN, Mr. YOUNG of Florida, Mr. SHAW, Mr. PUTNAM, Mr. CRENSHAW, Mr. STEARNS, Mr. HASTINGS of Florida, Mr. FEENEY, Ms. WASSERMAN SCHULTZ, and Mr. MEEK of Florida):

H.R. 3251. A bill to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes; to the Committee on Resources.

By Mr. JEFFERSON (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. SNYDER, and Mr. BOUSTANY):

H.R. 3252. A bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students; to the Committee on Education and the Workforce.

By Mr. MENENDEZ (for himself, Mr. OWENS, Mr. GRIJALVA, Mr. STARK, and Mr. LIPINSKI):

H.R. 3253. A bill to study and improve the air quality inside school buses, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Ms. ROS-LEHTINEN, Mr. BRADY of Pennsylvania, Ms. DELAURO, Mr. MCNULTY, Mr. BOUSTANY, Mr. RANGEL, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. OWENS):

H.R. 3254. A bill to provide funding and incentives for caregiver support and long-term care assistance; 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 Mrs. MILLER of Michigan (for herself and Mr. SOUDER):

H.R. 3255. A bill to direct the Secretary of Labor to update an Occupational Safety and Health Administration fire protection safety standard to incorporate the current consensus standard for fire protection for styrene cross-linked composites manufacturing; to the Committee on Education and the Workforce.

By Mr. MURPHY:

H.R. 3256. A bill to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the ''Congressman James Grove Fulton Memorial Post Office Building''; to the Committee on Government Reform.

By Mr. OLVER:

H.R. 3257. A bill to suspend temporarily the duty on biaxially oriented polypropylene dielectric film; to the Committee on Ways and Means.

By Mr. OLVER:

H.R. 3258. A bill to suspend temporarily the duty on biaxially oriented polyethylene terephthalate dielectric film; to the Committee on Ways and Means.

By Mr. RYAN of Ohio:

H.R. 3259. A bill to amend the Higher Education Act of 1965 to establish a demonstration program to support college and university communities that wish to expand their book store services and savings for students through the creation of course material rental programs; to the Committee on Education and the Workforce.

By Mr. SABO:

H.R. 3260. A bill to amend the Internal Revenue Code of 1986 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

By Mr. SERRANO (for himself, Mr. DELAHUNT, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, and Mr. MCDERMOTT):

H. Con. Res. 206. Concurrent resolution expressing the sense of the Congress that the President should temporarily suspend restrictions on remittances, gift parcels, and family travel to Cuba to allow Cuban-Americans to assist their relatives in Cuba in the aftermath of Hurricane Dennis; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Ms. PELOSI, Mr. MCDERMOTT, Mr. LYNCH, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. LANTOS, Ms. ESHOO, Ms. SOLIS, Mr. GRIJALVA, Mr. FILNER, Mr. NEAL of Massachusetts, Mr. BISHOP of Georgia, and Mr. BRADY of Pennsylvania):

H. Con. Res. 207. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued depicting the Lone Sailor Memorial, located by the Golden Gate Bridge; to the Committee on Government Reform.

By Mr. HYDE (for himself and Mr. LANTOS):

H. Res. 356. A resolution condemning in the strongest terms the terrorist attacks in London, England, on July 7, 2005; to the Committee on International Relations.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Ms. SOLIS):

H. Res. 357. A resolution honoring Justice Sandra Day O'Connor; to the Committee on the Judiciary.

By Mr. FOSSELLA (for himself, Mr. PASCRELL, Mr. KING of New York, and Mr. MCNULTY):

H. Res. 358. A resolution expressing thanks to the people of the city of Rome for welcoming several million people into Rome and Vatican City during the funeral observances of Pope John Paul II in April 2005; to the Committee on International Relations.

By Mr. PRICE of Georgia:

H. Res. 359. A resolution expressing the condolences of the House of Representatives to the victims, their families and friends, and the people of the United Kingdom for the loss suffered during the terrorist attacks in London on July 7, 2005; to the Committee on International Relations.

By Mr. STEARNS (for himself, Mr. DUNCAN, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. FEENEY, and Mr. EVANS):

H. Res. 360. A resolution commemorating the 60th anniversary of V-J Day and the end of World War II in the Pacific; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR introduced a bill (H.R. 3261) for the relief of Luis Nava, Yuliana Huicochea, Oscar Corona, and Jaime Damian; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. GEORGE MILLER of California.
H.R. 147: Mr. BACHUS, Mr. BRADY of Pennsylvania, and Mr. MCCAUL of Texas.
H.R. 151: Mr. SALAZAR.
H.R. 156: Mr. KILDEE, Mr. GREEN of Wisconsin, Mr. OSBORNE, Mr. HASTINGS of Florida, Mr. OBERSTAR, Mr. CLAY, Mr. RANGEL, Mr. WILSON of South Carolina, and Ms. HART.
H.R. 164: Mr. WEXLER.
H.R. 197: Mr. MCCOTTER.
H.R. 202: Mr. WAXMAN and Mr. HINCHEY.
H.R. 215: Mr. PICKERING, Mr. MCGOVERN, Mr. SHIMKUS, and Mr. SHAW.
H.R. 225: Mr. KENNEDY of Minnesota.
H.R. 226: Mr. MOORE of Kansas.
H.R. 269: Mr. JINDAL.
H.R. 281: Mr. MARSHALL, Mr. WESTMORELAND, and Mr. KINGSTON.
H.R. 282: Mr. ALLEN, Mr. TIAHRT, Mr. SCHWARZ of Michigan, Ms. PRYCE of Ohio, Ms. MOORE of Wisconsin, Mr. GIBBONS, and Mr. RUPPERSBERGER.
H.R. 301: Mr. WESTMORELAND.
H.R. 314: Mr. RADANOVICH.
H.R. 335: Mr. FATTAH.
H.R. 376: Mr. MELANCON, Mr. WYNN, Mr. DOGGETT, and Ms. SCHAKOWSKY.
H.R. 414: Mr. MCGOVERN, Mr. CALVERT, Ms. JACKSON-LEE of Texas, Mr. FILNER, Mr. KENNEDY of Minnesota, Ms. ESHOO, and Mr. KIND.
H.R. 415: Mr. HINOJOSA, Mr. TOM DAVIS of Virginia, Mr. PICKERING, Ms. ESHOO, and Mr. ENGLISH of Pennsylvania.
H.R. 445: Mr. COBLE.
H.R. 466: Mr. DENT.
H.R. 478: Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 503: Mr. WOLF.
H.R. 551: Ms. PELOSI, Mr. ROTHMAN, and Mr. HOLT.
H.R. 562: Mr. TANCREDO, Ms. WATSON, and Mr. CROWLEY.
H.R. 602: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 670: Mr. SMITH of New Jersey.
H.R. 676: Ms. SOLIS.
H.R. 759: Mr. NEAL of Massachusetts, Ms. MILLENDER-MCDONALD, and Mr. CARNAHAN.
H.R. 772: Mr. AL GREEN of Texas, Mr. ALEXANDER, and Mr. WOLF.
H.R. 783: Mrs. JONES of Ohio, Mr. KANJORSKI, and Mr. STARK.
H.R. 822: Ms. LINDA T. SÁNCHEZ of California.
H.R. 827: Mr. SHAW.
H.R. 857: Mr. PAYNE, Mr. KUCINICH, Mr. CROWLEY, and Ms. BERKLEY.
H.R. 880: Ms. HERSETH.
H.R. 910: Mr. GRIJALVA.
H.R. 939: Mr. EVANS.
H.R. 968: Mrs. JONES of Ohio, Mr. GIBBONS, Mr. ROTHMAN, Mr. PASTOR, Mr. ACKERMAN, and Mr. ALEXANDER.
H.R. 997: Mr. WELDON of Pennsylvania.
H.R. 1020: Mr. TIBERI.
H.R. 1029: Mr. BERMAN, Mr. RUPPERSBERGER, Mrs. NAPOLITANO, and Mr. REYES.
H.R. 1048: Mr. CARNAHAN.
H.R. 1105: Mr. MOORE of Kansas.
H.R. 1124: Mr. MCNULTY.
H.R. 1153: Mrs. MCCARTHY, Mr. ACKERMAN, and Mr. HINOJOSA.
H.R. 1155: Mr. SHAYS and Mr. CARNAHAN.
H.R. 1182: Ms. DELAURO.
H.R. 1184: Ms. DELAURO.
H.R. 1194: Ms. BORDALLO.
H.R. 1229: Mr. AKIN.
H.R. 1241: Mr. DAVIS of Kentucky and Mr. CONYERS.
H.R. 1246: Mrs. MALONEY, Mr. DICKS, Mr. BRADY of Texas, Mr. DOYLE, Mr. HONDA, Mr. BRADY of Pennsylvania, and Mr. FARR.
H.R. 1259: Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. CLAY, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Ms. NORTON, Mr. JEFFERSON, Ms. WATSON, Ms. KILPATRICK of Michigan, Mr. WYNN, Ms. MOORE of Wisconsin, Ms. MCKINNEY, and Ms. WATERS.
H.R. 1273: Mr. FLAKE.
H.R. 1288: Mr. WAMP, Mr. POMEROY, and Mr. COBLE.
H.R. 1298: Mr. MARCHANT, Mr. COLE of Oklahoma, Mr. JINDAL, Mr. SHAW, Mr. CARDIN, Ms. LINDA T. SÁNCHEZ of California, and Mr. STRICKLAND.
H.R. 1305: Mr. CARNAHAN.
H.R. 1335: Mr. PAYNE, Ms. ROS-LEHTINEN, and Mr. NADLER.
H. R. 1355: Mr. JENKINS.
H.R. 1376: Mr. LARSEN of Washington.
H.R. 1402: Mrs. NAPOLITANO, Mr. SULLIVAN, Mr. CARDIN, Mr. LANTOS, Mr. OWENS, Mrs. DAVIS of California, Mr. OLVER, Mr. CUMMINGS, and Mr. EMANUEL.
H.R. 1409: Mr. GRIJALVA, Mr. ACKERMAN, Mr. JACKSON of Illinois, Ms. HOOLEY, and Mr. FARR.
H.R. 1417: Mr. NUSSLE.
H.R. 1426: Mr. POMEROY.
H.R. 1431: Ms. MATSUI, Mr. LEVIN, Mr. BROWN of Ohio, and Mrs. TAUSCHER.
H.R. 1445: Mr. MCCOTTER.
H.R. 1471: Mr. WEXLER, and Ms. WOOLSEY.
H.R. 1498: Mr. DINGELL, Ms. GINNY BROWN-WAITE of Florida, and Mr. SHIMKUS.
H.R. 1505: Ms. HART.
H.R. 1508: Mr. BISHOP of New York.
H.R. 1545: Mr. STRICKLAND.
H.R. 1554: Ms. GINNY BROWN-WAITE of Florida, Mr. MOORE of Kansas, and Mr. GENE GREEN of Texas.
H.R. 1582: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1588: Mrs. NAPOLITANO and Mr. DOGGETT.
H.R. 1634: Mr. PRICE of North Carolina, Mr. LANTOS, and Mr. RYAN of Ohio.
H.R. 1648: Mr. TOWNS.
H.R. 1668: Mr. ABERCROMBIE.
H.R. 1671: Mr. POMEROY.
H.R. 1704: Mr. FITZPATRICK of Pennsylvania, Mr. SCOTT of Georgia, and Mr. JACKSON of Illinois.
H.R. 1722: Mr. MCCOTTER.
H.R. 1736: Ms. CARSON, Ms. GRANGER, and Mr. WOLF.
H.R. 1748: Mr. SESSIONS.
H.R. 1814: Mr. HINCHEY.
H.R. 1816: Mr. BILIRAKIS and Mr. CONAWAY.
H.R. 1898: Mr. OTTER, Mr. HALL, Mr. INGLIS of South Carolina, and Mr. FLAKE.
H.R. 1928: Mr. SESSIONS.
H.R. 1986: Mr. INGLIS of South Carolina and Mr. MCCAUL of Texas.
H.R. 2061: Mr. RENZI, Ms. HARRIS, Mr. ROGERS of Alabama, and Mr. DAVIS of Tennessee.
H.R. 2089: Mr. SHAYS.
H.R. 2092: Ms. WATSON, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Ms. MCKINNEY, Mr. TOWNS, Mr. RUSH, Mr. LEWIS of Georgia, Mr. HONDA, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. FILNER, and Mr. CUMMINGS.
H.R. 2231: Ms. ZOE LOFGREN of California, Mr. NUSSLE, Ms. BALDWIN, Mr. OLVER, Ms. LINDA T. SÁNCHEZ of California, Mr. SHAW, Mr. COSTELLO, and Mr. KING of New York.
H.R. 2317: Mr. RENZI and Mr. KING of New York.
H.R. 2338: Ms. HERSETH.
H.R. 2339: Mr. SESSIONS and Mr. ROHRABACHER.
H.R. 2355: Mr. SHAW.
H.R. 2357: Mr. PENCE.
H.R. 2389: Mr. POE and Mr. SHAW.
H.R. 2456: Mr. KUCINICH and Mr. GEORGE MILLER of California.
H.R. 2484: Mr. NUNES.
H.R. 2498: Mr. HALL, Mr. SNYDER, and Mr. GORDON.
H.R. 2500: Mr. GEORGE MILLER of California.
H.R. 2513: Mr. PENCE, Mr. GREEN of Wisconsin, and Mr. SODREL.
H.R. 2526: Mr. MCGOVERN.
H.R. 2533: Mr. ROSS.
H.R. 2564 Mr. HINOJOSA.
H.R. 2567: Mrs. MCCARTHY, Mr. DOYLE, Mr. SHAYS, Mr. WOLF, Mr. MOORE of Kansas, and Mr. EVANS.
H.R 2588: Mr. BOUCHER and Mrs. DRAKE.
H.R. 2639: Mr. WYNN and Mr. OWENS.
H.R. 2662: Mr. WYNN and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2694: Mr. RUPPERSBERGER and Mr. CLAY.
H.R. 2720: Mr. UDALL of New Mexico.
H.R. 2723: Mr. STARK.
H.R. 2730: Mr. FOSSELLA, Mr. ROGERS of Michigan, and Mr. DOYLE.
H.R. 2737: Ms. SCHAKOWSKY.
H.R. 2739: Mr. FATTAH.
H.R. 2792: Mr. HINCHEY and Mr. SANDERS.
H.R. 2793: Mr. SHUSTER, Mr. ROGERS of Michigan, Mr. MCGOVERN, Mr. FOSSELLA, and Mr. NEY.
H.R. 2815: Mr. SALAZAR.
H.R. 2830: Mr. CALVERT and Mr. WESTMORELAND.
H.R. 2835: Mr. BOUCHER.
H.R. 2859: Mr. SCHWARZ of Michigan.
H.R. 2872: Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. ALLEN, Mr. SABO, Mr. MCCOTTER, Mr. ENGLISH of Pennsylvania, Mr. RAHALL, Mr. KANJORSKI, Mr. MORAN of Virginia, Mr. WAXMAN, Mr. EVANS, Mr. HONDA, and Mrs. NAPOLITANO.
H.R. 2874: Mr. CROWLEY and Mr. PAYNE.
H.R. 2876: Mr. WILSON of South Carolina, Mr. AL GREEN of Texas, Mr. MORAN of Kansas, Mr. ANDREWS, Mr. ROTHMAN, Mr. LEVIN, Mr. HOLT, Mr. BRADLEY of New Hampshire, Mr. MOLLOHAN, Mr. KIND, and Mr. KIRK.
H.R. 2877: Mr. MOORE of Kansas and Mr. STARK.
H.R. 2892: Mr. GERLACH.
H.R. 2926: Mr. CROWLEY.
H.R. 2947: Mrs. EMERSON, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, and Mr. CONYERS.
H.R. 2962: Ms. BORDALLO and Mr. REYES.
H.R. 2989: Mr. MCCOTTER, Mr. GALLEGLY, Mr. ABERCROMBIE, Mr. SMITH of New Jersey, Mr. GORDON, Ms. ZOE LOFGREN of California, and Mr. MOORE of Kansas.
H.R. 3037: Mr. FRANK of Massachusetts.
H.R. 3050: Mr. MARSHALL.
H.R. 3081: Mr. COSTELLO.
H.R. 3095: Mr. TANCREDO, Mr. ROHRABACHER, and Mr. JONES of North Carolina.
H.R. 3111: Mr. GOODE.
H.R. 3135: Mr. TAYLOR of Mississippi, Mr. SHAYS, and Mr. HALL.
H.R. 3143: Mr. PAUL.
H.R. 3146: Mr. WALSH and Mr. JINDAL.
H.R. 3147: Mr. MURPHY.
H.R. 3157: Mr. MCCOTTER and Mr. RYAN of Ohio.
H.R. 3160: Mr. MURPHY and Ms. ROYBAL-ALLARD.
H.R. 3186: Mrs. MCCARTHY.
H.R. 3196: Mrs. MCCARTHY.
H.J. Res. 53: Mr. PAUL.
H. Con. Res. 38: Mr. VAN HOLLEN and Mr. OWENS.
H. Con. Res. 40: Mr. MOORE of Kansas.
H. Con. Res. 55: Mrs. JONES of Ohio.
H. Con. Res. 59: Mr. DINGELL, Mr. ENGEL, Ms. HERSETH, Ms. NORTON, Mr. PAYNE, Mr. SNYDER, and Mr. MOORE of Kansas.

H. Con. Res. 128: Ms. LORETTA SANCHEZ of California.

H. Con. Res. 137: Mr. MCNULTY.

H. Con. Res. 138: Mr. HIGGINS.

H. Con. Res. 140: Mr. KENNEDY of Minnesota.

H. Con. Res. 157: Mrs. MALONEY, Mr. NEAL of Massachusetts, Mr. WYNN, Ms. SCHWARTZ of Pennsylvania, Mr. KUCINICH, Mr. UDALL of Colorado, Mr. BOSWELL, Mr. KIRK, Mr. LARSEN of Washington, Ms. KAPTUR, Mr. ALEXANDER, Mr. MENENDEZ, and Mrs. LOWEY.

H. Con. Res. 170: Mr. BUYER.

H. Con. Res. 172: Mr. HINOJOSA, Mr. PALLONE, and Mr. NEAL of Massachusetts.

H. Con. Res. 197: Mr. THOMPSON of Mississippi and Mr. PALLONE.

H. Con. Res. 201: Mr. SNYDER and Mr. WILSON of South Carolina.

H. Res. 76: Ms. WASSERMAN SCHULTZ.

H. Res. 116: Mr. HINCHEY.

H. Res. 189: Mr. KENNEDY of Minnesota.

H. Res. 288: Mr. COLE of Oklahoma and Ms. SCHAKOWSKY.

H. Res. 289, Mr. WAXMAN, Mr. BRADY of Pennsylvania, Mr. MCINTYRE, Mr. SMITH of Texas, Mr. KENNEDY of Rhode Island, Ms. SOLIS, and Mr. GENE GREEN of Texas.

H. Res. 325: Mrs. LOWEY.

H. Res. 332: Mr. ALLEN.

H. Res. 347: Mr. CAPUANO, Mr. SERRANO, Mr. SCOTT of Georgia, Mr. WATT, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. HASTINGS of Florida, and Mr. DAVIS of Alabama.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2567: Ms. SCHAKOWSKY.